

- The Hon'ble MR. F. A. A. COWLEY.
The Hon'ble MR. C. H. BOMPAS, C.S.I.
The Hon'ble MR. W. C. WORDSWORTH.
The Hon'ble MR. C. F. PAYNE.
The Hon'ble MR. S. G. HART.
The Hon'ble RAI PRIYA NATH MUKHARJI BAHADUR, I.S.O.
The Hon'ble SIR RAJENDRA NATH MOOKERJEE, K.C.I.E.
The Hon'ble SIR NILRATAN SARKAR, KT.
The Hon'ble MR. J. MACKENZIE, O.B.E.
The Hon'ble MR. W. H. H. ARDEN-WOOD, C.I.E.
The Hon'ble MR. AMINUR RAHMAN.
The Hon'ble RAJA HRISHIKESH LAHA, C.I.E.
The Hon'ble MR. PROVASH CHUNDER MITTER, C.I.E.
The Hon'ble BABU SIV NARAYAN MUKHARJI.
The Hon'ble KUMAR SHIR SHEKHARESWAR RAY.
The Hon'ble SIR DEBA PRASAD SARBADHIKARI, KT., C.I.E.
The Hon'ble RAI DEBENDER CHUNDER GHOSE BAHADUR.
The Hon'ble RAI RADHA CHARAN PAL BAHADUR.
The Hon'ble MR. F. W. CARTER, C.I.E., C.B.E.
The Hon'ble MR. W. E. CRUM, O.B.E.
The Hon'ble MR. G. A. BAYLEY.
The Hon'ble MAULVI ABUL KASEM.
The Hon'ble MR. M. ASHRAF ALI KHAN CHAUDHURI.
The Hon'ble MAULVI A. K. FAZL-UL-HAQ.
The Hon'ble KHAN SAHIB AMAN ALI.
The Hon'ble MR. ALTAF ALI.
The Hon'ble RAI SRI NATH RAY BAHADUR.
The Hon'ble BABU AKHIL CHANDRA DATTA.
The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR.
The Hon'ble BABU SURENDRA NATH RAY.
The Hon'ble BABU MAHENDRA NATH RAY, C.I.E.
The Hon'ble BABU KISHORI MOHAN CHAUDHURI.

*Questions and Answers.***DEATH OF THE LATE MR. EDEN.**

The PRESIDENT said :—

"Gentlemen, since the Council last met we are the poorer by the death of one of our members, the late Mr. Eden. I feel sure that it will be your wish that there should appear upon the records of our proceedings a few words marking our sense of the loss which we have sustained.

For nearly 40 years the deceased gentleman, lived and worked in Calcutta, and during that time he was connected with, and took an active part in, the public life of the city which he had made his home. He was a prominent member of the Calcutta Trades Association which he served in the capacity of Master in 1903-04 and as Honorary Treasurer from 1916-18. He was appointed a Presidency Magistrate in Calcutta in 1901 and served the city as a Municipal Commissioner from 1900 to 1903. In 1909-10 he gave further proof of his readiness to shoulder his share of work and responsibility on behalf of the public by serving as a Port Commissioner, and in 1916 he became a member of this Council. He died in harness swept from our midst with startling suddenness and we deeply deplore his loss. As a member of this Council he was always conscientious and unassuming, courteous and sincere, and it is indeed with feelings of deep sorrow that I contemplate our loss."

The Hon'ble MR. CARTER said :—

"I should like to associate the members of the mercantile community in the sincere regret which Your Excellency has expressed in the sudden death of our colleague, Mr. Eden. I have probably known Mr. Eden longer than most of the members of the Council, and I feel that in his death I have lost a real friend. He was a man of sterling qualities and held very decided views; he appeared at times to those who did not know him somewhat rough in his manner, but he was a warm-hearted and firm friend, and candid in his opinions. He did not often rise to speak in this Council but, when he did, his subject had been carefully prepared, and his remarks were forcible and to the point. The European members of this Council have lost a firm supporter at a time when they can least afford to lose one of their members. Mr. Eden took a prominent part in the affairs of this city, and was also a keen shikari and golfer. He had been a resident of Calcutta for nearly forty years, and after many years of hard work he was just coming to the time when he had laid his business on a firm foundation and was looking forward to a few years of rest. His son, I am sure, will follow in his father's footsteps, as he has already made his mark on the battlefields of East Africa; to him and to his widowed mother we offer our sincere sympathy."

The Hon'ble MR. P. C. MITTER said :—

"My lord, I desire to associate myself with the remarks with regard to the death of the Hon'ble Mr. Eden. Although on many points the late Mr. Eden and I did not see eye to eye yet I was always assured that he approached every question with an open mind. My lord, I do not desire to add to my remarks. I have only to conclude by saying that this Council undoubtedly feels a sad loss in the death of the Hon'ble Mr. Eden."

LIST OF BUSINESS—Item No. 1.**STARRED QUESTIONS.**

The following questions which had been starred were put and answered :—

By the Hon'ble Babu Ambika Charan Mazumdar:—

*1.

(a) Are the Government aware that an organization called the Indian Civil Service Association has been formed in this country? What are the

The Indian Civil
Service
Association.

Questions and Answers.

aims and objects and constitution of this Association? Where is its head office and who are its office bearers?

(b) Are the Government considering the desirability of making a thorough inquiry into the above matter and of issuing an official *communiqué* on the subject?

Answer by the Hon'ble MR. KERR:—

"(a) The Indian Civil Service Association was formed in Bengal in 1894. The objects of the Association are—

- (1) to deal with questions affecting the interests of the Indian Civil Service as a body;
- (2) to promote unity among its members; and
- (3) to ascertain and formulate the views of the Indian Civil Service on matters in connection with which, in the opinion of the Association, a knowledge of the views of the Service would be useful to Government.

After the territorial readjustments of 1912, a separate branch of the Association was formed in Bihar and Orissa. Membership of the Bengal Branch is open to all officers of the Indian Civil Service serving in Bengal and Assam. There are at present 130 members of the Bengal branch, of whom eleven are Indians. The Association has no regular office. Its affairs are managed by a General Committee of five members elected annually. The members of the existing Committee are—

Mr. K. C. De.
Mr. A. H. Cuming.
Mr. H. P. Duval.
Mr. A. J. Chotzner.
Mr. J. A. L. Swan.

Mr. H. M. Veitch is the Honorary Secretary.

(b) In view of the information given in this reply, Government do not consider it necessary to issue a *communiqué* on the subject."

By the Hon'ble Babu Ambika Charan Mazumdar:—

*II.

Government
grant and
improvement of
certain
Educational
Services.

(a) Have the Government of Bengal made any use of the 9 *lakhs* of rupees granted by the Government of India for the improvement of the salaries of the teachers of the Upper and Lower Subordinate Educational Services and their training? If so, how has the money been distributed?

(b) Have the Government submitted the scheme which they proposed for the improvement of the Upper and Lower Subordinate Educational Services? If so, will the Government be pleased to lay the scheme on the table?

(c) Can the Government state approximately the period within which the scheme is likely to be given effect to?

(d) Is it a fact that a sum of about Rs. 3 *lakhs* has been recommended for the improvement of the salaries of the two services? If so, has any portion of the money been utilised for the purpose?

Questions and Answers.

(e) If for any reason Government are unable to give effect to their scheme immediately, are the Government considering the advisability of granting the teachers in these two services certain provisional allowances out of the sum provided for the scheme so as to enable them to tide over the difficulties of the present situation?

(f) Do the Government propose to raise the minimum pay of the Provincial Educational Service to at least Rs. 250 a month? If not, are they considering the advisability of granting some compensation to the few Headmasters who have been promoted to that service?

Answer by the Hon'ble MR. O'MALLEY:—

“(a) The suggestion that the Government of India have made a grant of 9 lakhs for the improvement of the salaries of the teachers of the Subordinate Educational Service and Lower Subordinate Educational Service and their training is not correct. The grant has been made for the improvement of the training and pay of teachers in primary and secondary schools in the Bengal Presidency, which is a very different matter, inasmuch as the great majority of the teachers in those schools are not Government servants and do not belong to the Subordinate Educational Service or the Lower Subordinate Educational Service.

(b) It was explained in the Hon'ble Sir S. P. Sinha's speech at the meeting of the Bengal Legislative Council held on Tuesday, the 20th November, 1917, that an inquiry would be made into the question of the reorganisation of the Subordinate Educational Service and the Lower Subordinate Educational Service as soon as possible after the pay of the Provincial Educational Service and the grades thereof had been fixed. The question of the reorganisation of the higher services of the Education Department is now under the consideration of the Government of India in connection with the recommendation of the Public Services Commission. Till orders on that question are passed no scheme for the improvement of the Subordinate Educational Service and the Lower Subordinate Educational Service can be elaborated.

(c) In view of the reply to (b), no answer to (c) is called for.

(d) No sum has been recommended for the improvement of the salaries of the two services, but recommendations have been made for improving Government high schools at an estimated cost of a little over 3 lakhs. If these recommendations are accepted the Subordinate Educational Service and the Lower Subordinate Educational Service will be improved to some extent.

(e) In view of the above replies, this question does not arise.

(f) The Hon'ble Member is referred to the last sentence of the reply to (b). It is not proposed to raise the minimum pay of the Provincial Educational Service or to grant compensatory allowances to headmasters promoted to that service pending the receipt of orders on the recommendations of the Public Services Commission.”

By the Hon'ble Babu Ambika Charan Mazumdar:—

*III.

Is it a fact that the Inspector of Schools, Dacca Division, has issued an order to the effect that 50 per cent. of admissions in each class of Government high schools should be reserved for Muhammadan boys and that the remaining 50 per cent. should be open to competition between Hindu and Muhammadan students at the time of admission?

Restrictions on admissions in Government high schools in the Dacca Division.

Questions and Answers.

Answer by the Hon'ble Mr. O'MALLEY :—

" In resolution No. 1227 Edn., dated the 3rd August, 1916, recorded by this Government on the report of the special committee for the improvement of Muhammadan education, it was stated that a definite percentage of places should be reserved in each Government high school for Muhammadan pupils, the percentage being determined with reference to the proportional strength and educational requirements of the Muhammadans in the district. A percentage was accordingly fixed by Government for each high school in consultation with the Director of Public Instruction, who issued orders on the subject in his circular No. $\frac{16}{1M-40B-18}$, dated the 2nd October, 1918. A copy of the circular is laid on the table. It will be seen that the number of vacancies reserved in the Dacca Collegiate School and Armenitola High School is 30 per cent., and in the other Government high schools under the Inspector of Schools, Dacca Division, 50 per cent. It will also be seen that the unreserved vacancies are first to be filled up by open competition, and that in working up to the prescribed percentage Muhammadans who have secured unreserved vacancies are to be taken into account."

Circular referred to in the answer by the Hon'ble Mr. O'Malley to question No. III (starred) asked by the Hon'ble Babu Ambika Charan Mazumdar at the Council meeting of the 21st January, 1919.

GOVERNMENT OF BENGAL.**EDUCATION DEPARTMENT.**

CIRCULAR No. $\frac{162}{1M-40B-18}$

FROM THE HON'BLE MR. W. C. WORDSWORTH, M.A.,

Offg. Director of Public Instruction, Bengal,

TO ALL DIVISIONAL INSPECTORS OF SCHOOLS (WITH SPARE COPIES FOR ADDITIONAL AND ASSISTANT INSPECTORS OF SCHOOLS, INCLUDING ASSISTANT INSPECTORS OF SCHOOLS FOR MUHAMMADAN EDUCATION, AND HEAD MASTERS OF GOVERNMENT HIGH AND ZILLA SCHOOLS UNDER THEM); AND PRINCIPALS OF THE DACCA TRAINING AND PRESIDENCY COLLEGES (WITH SPARE COPIES FOR HEAD MASTERS OF GOVERNMENT HIGH SCHOOLS UNDER THEM).

Calcutta, the 2nd October, 1918.

SIR,

In modification of this office circular No. 7, dated 13th January 1916, the following rules are laid down for the guidance of Head Masters in order to systematize the methods of admission in Government Zilla and High Schools. The rules will take effect from January, 1919 :—

- (a) As soon as promotions are announced a list showing the probable number of vacancies in each class should be posted on the school notice board.
- (b) Applications for admission should reach the Head Master not later than 5th January each year.

Questions and Answers.

- (c) Applications should be duly entered in a register in order of their receipt.
- (d) A certain percentage of vacancies as detailed in the annexed statement must be reserved for Muhammadans.
- (e) A written admission test in all cases should be held not later than 7th January.
- (f) If applications from Muhammadans for all the reserved vacancies have not been received by the Head Master by the date fixed the remaining vacancies shall be open to boys of other communities.
- (g) The vacancies not reserved shall first be filled by the most successful candidates (Hindu and Muhammadan) at the admission test.
- (h) The reserved vacancies shall then be filled by Muhammadans coming next to the Muhammadans selected under rule (g) to the extent required to bring the number of Muhammadans admitted to the school [including those selected under the rule (g)] up to the percentage fixed under rule (d).

I have the honour to be,

SIR,

Your most obedient servant,

W. C. WORDSWORTH,

Offg. Director of Public Instruction, Bengal.

CIRCULAR No. 163.

Copy forwarded to District Magistrates (including Deputy Commissioners of Darjeeling and Jalpaiguri), for information.

W. C. WORDSWORTH,

Offg. Director of Public Instruction, Bengal.

CALCUTTA :

The 2nd October, 1918.

Statement showing percentages of vacancies to be reserved for Muhammadan students each year.

NAME OF INSTITUTION.				Percentage of vacancies to be reserved.
				Per cent.
1.	Birbhum Zilla School	...	...	24
2.	Bankura ditto	...	...	5
3.	Howrah ditto	...	...	20
4.	Uttarpara Government High School	...	...	6
5.	Hooghly Collegiate School	...	...	35
6.	Hooghly Branch School	...	...	20
7.	Barrackpore Government High School	...	...	10
8.	Barasat ditto ditto	...	...	33
9.	Taki ditto ditto	...	...	17
10.	Nawab Bahadur's Institution, Murshidabad	...	...	50

Questions and Answers.

NAME OF INSTITUTION.			Percentage of vacancies to be reserved.
			Per cent.
11.	Krishnagar Collegiate School	...	51
12.	Jessore Zilla School	...	62
13.	Khulna ditto	...	33
14.	Hare School, Calcutta	...	25
15.	Dacca Collegiate School	...	30
16.	Mymensingh Zilla School	...	50
17.	Jamulpur Government High School	...	50
18.	Faridpur Zilla School	...	50
19.	Barisal ditto	...	50
20.	Jhalakati Government High School	...	50
21.	Pirojpur ditto	ditto	50
22.	Bhola ditto	ditto	50
23.	Armanitola ditto	ditto, Dacca	30
24.	Comilla Zilla School	...	50
25.	Noakhali ditto	...	50
26.	Chittagong Collegiate School	...	40
27.	Rangamati Government High School	...	10
28.	Rajshahi Collegiate School	...	50
29.	Dinajpur Zilla School	...	50
30.	Jalpaiguri ditto	...	25
31.	Rangpur ditto	...	50
32.	Bogra ditto	...	60
33.	Pabna ditto	...	50
34.	Makda ditto	...	40
35.	Darjeeling High School	...	10

Précis.

RESERVATION of seats for Muhammadans in Government Zilla and High Schools.

*Index.*ADMISSION to Government Zilla and High Schools—of Muhammadans—Rules regulating—. (*Education Department circulars Nos. 162 and 163, dated the 2nd October, 1918.*)

By the Hon'ble Bábu Ambika Charan Mazumdar:—

***IV.**

Imposition of fines on students of the Faridpur Zilla School.

(a) Is it a fact that under orders from the Executive Engineer, Bakarganj Circle, all the boys of the Faridpur Zilla School have been fined to raise a sum of Rs. 93 to meet the charges of replacing some glass panes alleged to have been broken within a period of four or five years in that school?

(b) (i) Is there any evidence to show that the glass panes were broken by the boys, and not through natural causes such as hail-storm and the wearing out of putty?

(ii) Did the school authorities object to this fine being imposed or not?

Answer by the Hon'ble MR. O'MALLEY:—

"(a) On 5th May 1918 it was found that 66 panes of glass in the school building were broken, and on the 19th May it was found that 120 more had been broken, bringing up the total number to be replaced to 186. The Executive Engineer suggested that Rs. 93 should be recovered from the boys of the school as part of the cost of replacing the broken panes, and orders were issued accordingly by the Inspector of Schools.

Questions and Answers.

(b) (i) Government have not got full information, but so far as they are aware there was no hailstorm at Faridpur between the 5th and 19th May. The putty was examined and found to be hard and in good condition.

(ii) The Headmaster protested against the boys being charged for part of the cost of the broken panes."

By the Hon'ble Babu Ambika Charan Mazumdar:—

***V.**

Was it not the practice to notify in the *Calcutta Gazette* all appointments and transfers in the Subordinate Educational Service? How long was this practice in force, and when and why has it been discontinued? Are the Government considering the desirability of ordering the practice to be restored?

Notification in the *Calcutta Gazette* of appointments and transfers in the Subordinate Educational Service.

Answer by the Hon'ble MR. O'MALLEY:—

"Appointments to and transfers in the Subordinate Educational Service were notified in the *Calcutta Gazette* from 1879 to 1916. This practice was discontinued in 1916, so far as officers below Class II were concerned, and in the following year, so far as officers of the first two classes were concerned, for the reasons stated in the reply given to question No. LXXXVII at the meeting held on 7th August, 1917. The desirability of reviving it is under consideration."

By the Hon'ble Babu Kishori Mohan Chaudhuri:—

***VI.**

Will the Government be pleased to state whether the proposals submitted to the Government of India for the improvement of the pay and prospects of secondary and primary school teachers, as announced by the Director of Public Instruction, Bengal, in July 1917, have received their final sanction?

Pay and prospects of secondary and primary school teachers.

Answer by the Hon'ble MR. O'MALLEY:—

"The sanction of the Government of India has been received to this Government's proposals for the improvement of the pay of primary school teachers, but not to those for secondary school teachers."

By the Hon'ble Babu Kishori Mohan Chaudhuri:—

***VII.**

(a) Is it a fact that in the Subordinate Educational Service no promotion has been declared since January, 1918, though there are vacancies in all its grades?

Promotion of officers of the Subordinate Educational Service.

(b) If so, will the Government be pleased to state the reasons for this?

Answer by the Hon'ble MR. O'MALLEY:—

"(a) The answer is in the negative. Promotions in the Subordinate Educational Service from Class V upwards were announced on the 10th December, 1918. Those in the other classes will be declared shortly by the Director of Public Instruction.

(b) There was some delay due to the fact that it was considered desirable to defer making promotions till certain schemes, involving the creation of new posts, had been sanctioned by Government."

Questions and Answers.

By the Hon'ble Rai Mahendra Chandra Mitra Bahadur:—

*VIII.

Salary of
Munsifs and
Deputy
Magistrates.

(a) Will the Government be pleased to state the reasons for the difference of salary between the last grade of Munsifs and the last grade of Deputy Magistrates?

(b) What is the difference of salary between the two different grades referred to above?

Answer by the Hon'ble MR. KERR:—

"(a) and (b) The Hon'ble Member is referred to the proceedings of the meeting of this Council on the 14th March, 1918, when this question was fully discussed."

By the Hon'ble Rai Mahendra Chandra Mitra Bahadur:—

*IX.

Duties of the
Provincial
Judicial Service.

Is it a fact that the Provincial Judicial Service was created to perform only duties involving minor responsibilities?

Answer by the Hon'ble MR. KERR:—

"For a description of the functions of this and other provincial civil services the Hon'ble Member is referred to the introductory Chapter in annexure X of the report of the Public Services Commission. It is there said that 'the provincial civil services * * * have been formed to do the bulk of the ordinary executive and judicial work of the districts, and to fill the minor charges.' In a recent resolution of the 19th November, 1918, it was observed by this Government that 'the Provincial Judicial Service was formed to fill charges of minor responsibility in the civil judicial administration of the province.' The description is relative to the responsibilities discharged by others in the same sphere; all functions of judicial courts are, of course, responsible within the limits of their jurisdiction."

By the Hon'ble Rai Mahendra Chandra Mitra Bahadur:—

*X.

Duties, rank,
etc., of the
subordinate and
higher judiciary.

(1) Is it a fact—

(a) that the Subordinate Judges are required to perform work of the same importance and responsibility as that of the District Judges;

(b) that the Subordinate Judges do the same kind of work as is done by the Judges of the Hon'ble High Court in its ordinary Original Civil Jurisdiction;

(c) that the District Judges do not do the same kind of work as is done by the Hon'ble Judges of the High Court in its ordinary Original Civil Jurisdiction;

(d) that in trying cases above Rs. 5,000 in value, including appeal cases, the powers of the Subordinate Judges are equal to those of the District Judges in all respects; and

(e) that the Subordinate Judges rank higher than Munsifs, and that their jurisdiction is as unlimited as that of the District Judges?

(2) Are the Government considering the advisability of constituting a separate branch of service, for the Subordinate Judges, second only to the District Judges in rank and importance, and of excluding them from the Provincial Judicial Civil Service?

Questions and Answers.

Answer by the Hon'ble MR. DUVAL :—

" (1) (a) The work they are required to perform is similar only to part of the work of District Judges.

(b) Their work is not entirely similar to that of Judges of the Hon'ble High Court in its Original Side.

(c) District Judges do some work of the same nature as Hon'ble Judges on the Original Side of the High Court.

(d) Yes.

(e) Subordinate Judges rank higher than Munsifs. Their jurisdiction is not the same, in all cases, as that of District Judges.

(2) The answer is in the negative."

By the Hon'ble Rai Mahendra Chandra Mitra Bahadur:—

*XI.

(a) Is it a fact that the jurisdiction exercised by the Judges of the Court of Small Causes, Calcutta, is inferior to that exercised by the Subordinate Judges in the *mufassal* courts?

Jurisdiction and salaries of Judges of the Calcutta Small Cause Court and other *mufassal* Judges.

(b) Is it a fact—

(i) that the salaries of the Judges of the Court of Small Causes, Calcutta, vary between Rs. 1,000 and Rs. 2,500 a month;

(ii) that the salaries of the District Judges of the Indian Civil Service vary between Rs. 2,000 and Rs. 3,000; and

(iii) that the salaries of those recruited from the Provincial Service vary between Rs. 1,200 and Rs. 2,000?

(c) Are the Government considering the advisability of fixing the minimum salary of the Subordinate Judges at Rs. 1,000 rising to Rs. 1,500 per month?

Answer by the Hon'ble MR. DUVAL :—

" (a) No. The Calcutta Small Cause Court is a court of summary jurisdiction with power to decide finally money suits up to a value of Rs. 2,000.

Subordinate Judges never exercise any summary jurisdiction beyond Rs. 1,000 and usually only try such suits up to a value of Rs. 500. They try other cases of unlimited value subject to appeal.

(b) (i) (ii) and (iii) Yes.

(c) No."

By the Hon'ble Rai Mahendra Chandra Mitra Bahadur:—

*XII.

(a) Is it a fact that the members of the Provincial Judicial Service over the age of 52 years are excluded from District Judgeships?

Appointment of members of the Provincial Judicial Service to District Judgeships.

(b) Is it a fact that officers over the age of 52 are considered unfit for District Judgeships?

(c) Will the Government be pleased to state whether age, health, merit and seniority in service are taken into consideration in appointing members of the Provincial Judicial Service to District Judgeships?

Questions and Answers.

Answer by the Hon'ble MR. KERR :—

- " (a) No.
 (b) No.
 (c) Yes."

By the Hon'ble Rai Mahendra Chandra Mitra Bahadur:—

***XIII.**

Sale of standard cloth to poor people in rural areas.

(a) Will the Government be pleased to state what steps, if any, have been taken for the sale of standard cloth to poor people living in the rural areas of each of the districts of Bengal?

(b) What is the number of licenses granted up to date for the sale of standard cloth in each of the sub-divisions of the districts of Bengal?

(c) Are the Government considering the advisability of making necessary arrangements for opening depôts under union committees for the sale of standard cloth for the benefit of poor people?

Answer by the Hon'ble MR. DONALD :—

" (a) Owing to a fall in prices the scheme for the sale of standard cloth in Bengal has not yet been introduced, and the question of its future introduction will be governed by the course of events.

(b) No such licenses have been issued.

(c) District Officers are making necessary arrangements for the sale of standard cloth, if the scheme be introduced. The question of opening depôts under union committees, in place of utilising the existing dealers, will be brought to their notice for adoption if considered desirable."

By the Hon'ble Rai Mahendra Chandra Mitra Bahadur:—

***XIV.**

The Civil Service Association.

(a) Are the Government aware of the existence of the Civil Service Association in Bengal?

(b) If not, are the Government considering the desirability of inquiring into the matter?

(c) What are the aims, objects and activities of this Association?

(d) What is the total number of its members?

(e) Are all the members Europeans?

(f) Are there any Indian members in the Association? If so, what is their total number?

Answer by the Hon'ble MR. KERR :—

" The Hon'ble Member is referred to the answer given to starred question No. I put by the Hon'ble Babu Ambika Charan Mazumdar on this subject."

By the Hon'ble Rai Mahendra Chandra Mitra Bahadur:—

***XV.**

Primary schools in rural Bengal.

(a) Will the Government be pleased to state the general condition of the primary schools in rural Bengal?

Questions and Answers.

(b) What is the average sum which is paid per month by Government for the upkeep of the schools and for the allowances to the teachers?

(c) Are the Government considering any scheme for improving the status and prospects of the teachers in question?

Answer by the Hon'ble Mr. O'MALLEY:—

"(a) The Hon'ble Member is referred to Chapter V and paragraphs 487-489 of the last Quinquennial Report on Education in Bengal.

(b) Government spend about Rs. 1,20,000 a month on account of stipends to primary school teachers and also contribute about Rs. 80,000 annually towards the cost of repairs of Board school buildings.

(c) The following improvements were effected between the years 1913 and 1917—

(i) the salaries of untrained and trained teachers of aided primary schools and *maktabs* for boys have been increased by Re. 1 and Rs. 4, respectively, at a total annual cost of Rs. 5,68,972;

(ii) the stipends of teachers of primary schools while under training in *guru*-training schools have been raised to Rs. 10 *per mensem*, at an annual cost of Rs. 77,360.

Since then Rs. 1,94,000 has been sanctioned out of the 9 lakhs grant for increasing the pay of trained teachers in boys' schools by Rs. 2 a month and Rs. 35,560 for the enhancement of the pay of teachers in girls' primary schools in District Board areas. Out of the 5½ lakhs grant Rs. 60,336 has been earmarked for grants to local bodies in order to enable them to raise the rate of stipends of untrained teachers in aided primary schools and *maktabs* for boys, where it is lower than Rs. 2 *per mensem*, to a minimum rate of Rs. 2 or, if funds permit, to Rs. 2-8 *per mensem*; and Rs. 80,000 has been sanctioned for the increase of the pay of teachers in aided primary schools and *maktabs* for girls in District Board areas by Re. 1 a month and in urban areas by Rs. 2 a month. No further measures are in contemplation at present."

UNSTARRED QUESTIONS.

(Answers to which were laid on the table.)

By the Hon'ble Khan Sahib Aman Ali:—

1.

Will the Government be pleased to state whether any action has been taken in connection with the Hon'ble Babu Surendra Nath Ray's resolution which was carried at the meeting of the Council held on the 3rd September last, regarding the recognition by Government of the Calcutta Medical School and College of Physicians and Surgeons, Bengal, for the purposes of the Schedule to the Bengal Medical Act, 1914 (Ben. Act VI of 1914)?

Recognition of the Calcutta Medical School and College of Physicians and Surgeons, Bengal.

Answer by the Hon'ble Mr. DONALD:—

"The matter was again examined in the light of the proceedings in the Legislative Council, but for the reasons explained in the course of the debate, the local Government do not see their way to give effect to the resolution."

Questions and Answers.

By the Hon'ble Khan Sahib Aman Ali:—

2.

Teachers of
the Rangamati
Government
High English
School and
hill allowance.

(a) Will the Government be pleased to state—

(i) whether the teachers of the Rangamati Government High English School draw a hill allowance at the rate of 20 *per cent.* only, though they have been paying house rent;(ii) whether the hill allowance of all other officers, paying house rent, was increased from 20 to 30 *per cent.* simultaneously with the imposition of house rent in 1913?

(b) Is the delay in the grant of an increased allowance to the above-named teachers due to war economy?

(c) Are the Government considering the desirability of giving effect to the increased allowance to the above-named teachers from the date on which the allowances of other officers were increased?

Answer by the Hon'ble MR. O'MALLEY:—

"(a) (i), (b) and (c) The teachers of the Rangamati Government High School are in receipt of a hill allowance at the rate of 20 *per cent.* of their pay. Those occupying Government buildings enjoyed the privilege of rent-free quarters until 1913 when this concession was withdrawn, and at present, they have to pay rent, subject to a maximum of 10 *per cent.* of their pay, with the exception of the headmaster, who has free quarters as Superintendent of the hostel. In 1915 a proposal was made for increasing the hill allowance to 30 *per cent.* of their pay, but owing to abnormal financial conditions the proposal could not be sanctioned. The Director of Public Instruction was however told that he might, if he thought fit, renew the application when normal financial conditions were restored.

(a) (ii) The ministerial officers of the office of the Superintendent of the Chittagong Hill Tracts receive a local allowance of 30 *per cent.* of their pay, subject to a maximum of Rs. 20 *per mensem.*"

By the Hon'ble Khan Sahib Aman Ali:—

3.

Grant of
increments to
Government
high school
teachers.

(a) With reference to my unstarred question No. XLIX asked at the meeting of the Council of the 26th November, 1918, regarding Government high school teachers and the new recurring grant, will the Government be pleased to state whether there is any probability of the grant in question lapsing this year too?

(b) Are the Government considering the desirability of making arrangements to grant increments with effect from the 1st April, 1917, being the date when the grant was allotted by the Government of India and since which some officers of this province have already derived its benefit?

Answer by the Hon'ble MR. O'MALLEY:—

"(a) The sanction of the Government of India has been given to the expenditure of Rs. 3,15,000 out of the 9 lakhs grant. The proposals made by this Government for the expenditure of the remainder, amounting to Rs. 5,85,000, have not yet received the sanction of the Government of India, and it is consequently not possible to spend this sum during the current year. It will therefore be added to the balances which are available for non-recurring expenditure on education in subsequent years.

(b) The answer is in the negative."

Questions and Answers.

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

4.

With reference to the answer to my unstarred question No. LVI of the 19th August, 1918—

(a) have the Government consulted the Sanitary Commissioner on the question of making a special inquiry into the prevalence of *kala-azar* in Eastern Bengal; and

Special inquiry into the prevalence of *kala-azar* in Eastern Bengal.

(b) what measures, if any, have the Government adopted to combat the disease?

Answer by the Hon'ble Mr. O'MALLEY:—

“(a) Yes.

(b) The question of making provision for a special inquiry in the coming financial year is under consideration.”

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

5.

(a) Are the Government in a position to state, district by district, the approximate number of deaths from influenza during the last two months?

Influenza epidemic.

(b) Is it a fact that, as compared with the number of attacks, the mortality has been heavier in rural areas than in towns?

(c) What arrangements have been made (i) by Government; and (ii) by the district boards, for medical relief in rural areas affected by influenza?

Answer by the Hon'ble Mr. O'MALLEY:—

“(a) Government regret that they are not in a position to give the information asked for owing to the fact that the agency employed for the reporting of vital occurrences are unable to diagnose properly the different causes of mortality.

(b) Sufficient data are not available to enable a comparison of this nature to be made.

(c) A statement is laid on the table showing the arrangements for medical relief made by district boards. Government have helped the district boards by lending the services of 66 temporary Sub-Assistant Surgeons.”

Statement referred to in the answer by the Hon'ble Mr. O'MALLEY to question No. 5 (unstarred) asked by the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI at the Council meeting of the 21st January, 1919, showing measures taken by District Boards in connection with outbreak of influenza.

Name of District Board.

Abstract of replies.

Burdwan Division.

1. Burdwan

.. Rupees 6,200 specially provided for medical relief. Arrangements made to place at the disposal of the Civil Surgeon 20 medical officers for treatment of the people. The Health Officer of the district and his staff have visited different places with a view to advising the people. Leaflets have also been distributed.

Questions and Answers.

Name of District Board.

Abstract of replies.

Burdwan Division—concl'd.

- | | | |
|--------------|-----|---|
| 2. Birbhum | ... | Arrangements made for the appointment of 12 doctors to work in connection with the epidemic. Five hundred and twenty-seven treatment boxes of quinine distributed. Two thousand influenza tablets have been indented for. |
| 3. Bankura | ... | One itinerant doctor appointed and provided with necessary medicines for distribution. Influenza tablets also distributed through Sub-Inspectors of Schools and Sanitary Inspectors. Two more Sub-Assistant Surgeons requisitioned. |
| 4. Midnapore | ... | The Sanitary Inspector and three medical officers deputed to the interior of the district with necessary medicines to treat influenza cases. Four more appointments for medical officers have been sanctioned. Influenza tablets being distributed. |
| 5. Hooghly | ... | Two Sub-Assistant Surgeons deputed to influenza duty. Three peripatetic Sub-Assistant Surgeons under the District Board employed. |
| 6. Howrah | ... | The Sub-Assistant Surgeons attached to the five dispensaries under the Board and two subsidised doctors have been attending epidemic cases. More temporary doctors requisitioned. |

Presidency Division.

- | | | |
|----------------|-----|---|
| 7. Nadia ... | ... | Arrangements made for free distribution of influenza pills, eucalyptus oil and thymol as preventive measures. |
| 8. Murshidabad | ... | Steps taken for the appointment of two doctors to be sent out in the interior. Other steps are being taken for relief of the sufferers. |
| 9. Jessore | ... | Influenza tablets prepared according to the formula of the Calcutta Health Officer and distributed through dispensary medical officers. |
| 10. Khulna ... | ... | It has been resolved to appoint four Sub-Assistant Surgeons and four compounders for three months to combat the disease. |

Dacca Division.

- | | | |
|----------------|-----|--|
| 11. Mymensingh | ... | Printed pamphlets written by the Civil Surgeon widely circulated. Supernumerary doctors sent to different centres where the disease is virulent. The distribution of influenza tablets prescribed by the Health Officer, Calcutta, is under consideration. |
| 12. Faridpur | ... | Detailed information is not available. |

Questions and Answers.

Name of District Board.

Abstract of replies.

Chittagong Division.

13. Chittagong ... The appointment of two Sub-Assistant Surgeons and a sum of Rs. 600 for purchase of influenza tablets have been sanctioned by the District Board.
14. Tippera ... One doctor already appointed and arrangements have been made for the appointment of several others. Arrangements have also been made for distribution of medicine. Instructions for precaution and treatment of the disease are being circulated.
15. Noakhali ... An allotment has been made for free distribution of medicines. Arrangements have been made for distribution of leaflets containing instructions to check spread of the disease. Medical officers in charge of District Board dispensaries have been requested to treat influenza cases within a radius of 5 miles of the dispensary free of charge. L. I. doctors and qualified compounders are being deputed with necessary medicines to check spread of the disease.

Rajshahi Division.

16. Rajshahi ... Two medical officers specially deputed for duty in connection with influenza epidemic. Arrangements made for distribution of 5,000 influenza pills. Five hundred copies of instructions printed for distribution.
17. Dinajpur ... Four Sub-Assistant Surgeons employed by the District Board for influenza duty: the Civil Surgeon has been asked to employ more medical men if necessary.
18. Jalpaiguri ... Leaflets containing instructions as to preventive measures distributed. Arrangements made for appointment of four travelling doctors.
19. Bogra ... Two doctors and an extra compounder deputed. More will be engaged if necessary.
20. Pabna ... Two doctors placed on influenza duty and for distributing thymol and quinine tablets according to the formula adopted by the Calcutta Municipality. Thana officers have also been asked to send daily reports of influenza to the Civil Surgeon.
21. Malda ... It has been resolved to depute two doctors to the affected parts with a full stock of medicines. Diet distributed to the poor and arrangements made for reporting influenza cases to the Chairman of the District Board.
22. Darjeeling ... Three Health Instructors and three medicine porters appointed for a period of two months. An expenditure of Rs. 500 sanctioned for the construction of huts, diet of patients, etc.

Questions and Answers.

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

6.

Resolutions by the Marwari Chamber of Commerce as to sale and prices of piece-goods.

(a) With reference to the answer to my unstarred question No. 24 of the 19th December, 1918, are the Government aware of the resolutions adopted by the Marwari Chamber of Commerce, and published in the newspapers, by which the Chamber desired to regulate the sale and prices of piece-goods?

(b) If so, in what manner has the market been affected by the said resolutions?

(c) Was the said action of the Marwari Chamber of Commerce approved by Government?

Answer by the Hon'ble MR. DONALD :—

" (a) Government are aware of the resolutions referred to, which were published in the newspapers. They are as follows:—

' (1) No one will buy piece-goods for three months commencing from to-day, the 13th November, either ready or by order.

(2) Piece-goods will not be sold in the market except at the fixed price which has also been settled yesterday.'

The second resolution was published by mistake and has not actually been passed or acted upon.

(b) The market does not appear to have been affected to any substantial extent by the resolution which was passed.

(c) No."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

7.

Rise in the prices of cloth.

With reference to the answer to my unstarred question No. 25 of the 19th December, 1918, will the Government be pleased to state whether the prices of cloth have again been rising of late?

Answer by the Hon'ble MR. DONALD :—

" Prices did rise for a short period, but the most recent quotations show some signs of their again falling."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

8.

Piece-goods merchants' contracts with British manufacturers.

Are the Government in a position to state the average rates at which contracts are at present being entered into by piece-goods merchants with the British manufacturers, and how far consignments at such rates are likely to affect the price of cloth?

Answer by the Hon'ble MR. DONALD :—

" No."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

9.

Scale of pay of clerks in offices of Civil Surgeons.

(a) What is the scale of pay of the clerks in the offices of the Civil Surgeons in the different districts?

(b) When was the last revision made of the said scale of pay?

Questions and Answers.

(c) Is it a fact that, in 1913, the Inspector-General of Civil Hospitals addressed Government on the subject of the pay and strength of the clerical and menial establishments of the offices of the Civil Surgeons in Bengal, pointing out the great inadequacy thereof?

(d) If so, with what result?

Answer by the Hon'ble MR. DONALD :—

"(a) A statement showing the scales of pay of the clerks in the various offices of the Civil Surgeons is laid upon the table.

(b) The last revision was made in February, 1914.

(c) and (d) Yes: the revision made in February, 1914, was the result of the Inspector-General's reference."

Statement referred to in the answer by the Hon'ble MR. DONALD to question No. 9 (unstarred) asked by the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI at the Council meeting of the 21st January, 1919, showing the scales of pay of the clerks in the offices of the Civil Surgeons in Bengal.

District.	Number of clerks.			Scale of pay.
GROUP I.				
				Rs.
24-Parganas	{ 1 Head Clerk 1 Clerk 1 Clerk	... ... ...	40—2—50 25—1—30 25
Midnapore	{ 1 Head Clerk 1 Clerk 1 Clerk	... ... ...	40—2—50 25—1—30 25
Mymensingh	{ 1 Head Clerk 1 Clerk 1 Clerk	... ... ...	40—2—60 25—1—30 25
Bakarganj	{ 1 Head Clerk 1 Clerk 1 Clerk	... ... ...	40—2—60 25—1—30 25
GROUP II.				
Burdwan	{ 1 Head Clerk 1 Clerk	... ...	30—2—40 25—1—30
Nadia	{ 1 Head Clerk 1 Clerk	... ...	30—2—40 25—1—30
Murshidabad	{ 1 Head Clerk 1 Clerk	... ...	30—2—40 25—1—30
Jessore	{ 1 Head Clerk 1 Clerk	... ...	30—2—40 25—1—30
Rajshahi	1 Clerk	...	35—2—45
Dinajpur	{ 1 Head Clerk 1 Clerk	... ...	35—2—45 25—1—30
Dacca	{ 1 Head Clerk 1 Clerk	... ...	40—2—60 25—1—30
Faridpur	{ 1 Head Clerk 1 Clerk	... ...	30—2—40 20—1—30
Chittagong	{ 1 Head Clerk 1 Clerk	... ...	35—2—45 25

Questions and Answers.

District.	Number of clerks.		Scale of pay.	
GROUP III.				
Birbhum	...	1 Clerk	...	30—2—40
Bankura	...	1 Clerk	...	30—2—40
Hooghly	...	{ 1 Clerk 1 Clerk	...	30—2—40 25—1—30
Howrah	...	{ 1 Head Clerk 1 Clerk	...	30—2—40 25
Serampore	...	1 Clerk	...	30—2—40
Khulna	...	1 Clerk	...	30—2—40
Darjeeling	...	1 Clerk	...	30—2—40
Jalpaiguri	...	1 Clerk	...	30—2—40
Rangpur	...	{ 1 Head Clerk 1 Clerk	...	35—2—45 25
Bogra	...	1 Clerk	...	30—2—40
Malda	...	1 Clerk	...	30—2—40
Pabna	...	1 Clerk	...	30—2—40
Tippura	...	{ 1 Head Clerk 1 Clerk	...	30—2—40 25—1—30
Noakhali	...	{ 1 Clerk 1 Clerk	...	30—2—40 20—1—25
Chittagong Hill Tracts	...	1 Clerk	...	30—2—40

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

10.

Drowning of a
young student
near Goalundo.

(a) Are the Government in a position to state the circumstances in which a young student fell overboard from a steamer near Goalundo in December last, and was drowned?

(b) Is it a fact that this fatality was due to the railings of the steamer giving way?

(c) If so, when was the steamer last surveyed or otherwise examined by experts?

(d) Are the Government considering the desirability of instituting an inquiry into this matter?

Answer by the Hon'ble MR. COWLEY:—

"(a) and (b) It would appear that the passenger in question held an intermediate class ticket, the space apportioned to passengers of that class being on the upper deck. It is not clear what induced him to come to the lower deck which is never used for intermediate class passengers. It is stated that he was half leaning and half resting against the rail of the steamer with his back to the water. There is a movable gangway at this part which can be opened out to allow of access to the bank when calling at way-side stations. This gangway is formed of a rod with a ring at one end and a hook at the other with a pin attachment. In some unexplained manner the fastening opened out and the passenger, who was leaning against the upper rail, fell backwards overboard and was drowned.

(c) The steamer was last surveyed in December, 1917, and her passenger certificate was current up to the 22nd December, 1918; the steamer was again under survey on January 11th, 1919.

(d) A full investigation has already been made by the India General Navigation and Railway Company, Limited, from which it appears that on

Questions and Answers.

the 6th December, while the steamer *Buzzard* was on her way from Goalundo to Chandpur, a passenger fell overboard from the forward lower deck. The alarm was at once given to the serang, a life-buoy was thrown into the water, the steamer was stopped, turned round and a careful search made in the locality where the accident occurred, but without success. As the facts have been ascertained as far as possible it is not the intention of Government to hold any further inquiry."

By the Hon'ble Maulvi Abul Kasem:—

11.

With reference to the answer to my unstarred question No. LXII of the 26th November last, will the Government be pleased to state—

The case of
Mokbul Ahmad.

- (a) in how many cases Mokbul Ahmad was convicted before his conviction on the 10th June, 1918;
- (b) whether it is not the general practice to send convicted persons from the court lock-up to the jail after the close of the court business; and
- (c) whether it is a fact that—
 - (i) under the Jail Code prisoners are ordinarily made to work from the day following the day of their conviction; and
 - (ii) prisoners are sent out to work outside when there is no work for them within the jail or its precincts?

Answer by the Hon'ble MR. DUVAL:—

- "(a) None, so far as traceable.
- (b) Yes, unless, as at Kushtia, the sub-jail is very near the court.
- (c) (i) No.
- (ii) No."

By the Hon'ble Mr. W. H. H. Arden-Wood:—

12.

- (a) Is it a fact—
 - (i) that the operations of the Calcutta Improvement Trust in connection with the northern sections of the Central Avenue involve the demolition of a large number of small houses occupied by persons of the lower-middle class; and
 - (ii) that there are difficulties in the way of providing new houses owing to the high cost of building materials and the small number of sites available at a reasonable price?
- (b) If so, will the Government be pleased to state—
 - (i) whether the Calcutta Improvement Trust contemplate taking any action to provide accommodation to the homeless and thus mitigate the hardships of eviction; and
 - (ii) what steps, if any, have been taken by the Improvement Trust to rehouse the displaced inhabitants of the class referred to in (a) above, or the displaced members of the working classes?
- (c) Are there any legal difficulties in the way of providing accommodation? If so, are the Government considering the desirability of amending the existing law so as to provide for this?

Accommodation
for persons
displaced by the
opening of the
northern sections
of the Central
Avenue.

Questions and Answers.

Answer by the Hon'ble MR. O'MALLEY :—

“(a) The reply is in the affirmative.

(b) (i) and (c) The question has received the anxious consideration of the Board of Trustees, which is of opinion that the existing law is defective. Section 52 of the Calcutta Improvement Act empowers the Board to construct, maintain and manage dwellings for persons of the poorer and working classes who are displaced or likely to be displaced by the execution of an improvement scheme; and the Board has erected dwellings under this section. Its provisions, however, do not appear to meet the case of persons of the poorer middle classes residing in houses owned by themselves whose houses are acquired for the execution of improvement schemes. Such persons are not attracted by the offer of a tenancy in tenement dwellings constructed under section 52 or even in a separate house, but wish again to own a house and also the land on which it stands. The Board also considers that it is precluded from acquiring land in order to resell it to persons displaced by its schemes; and the amount of land at its disposal is limited by the facts —

(1) that the owners of land not actually required for the execution of a scheme have a right under section 78 of the Act to retain it on payment of a fee, and

(2) that when the Board disposes of land already acquired, the previous owner has a right of pre-emption under section 81.

The amount of land of which the Board is free to dispose is therefore often inconsiderable; and in a scheme such as that for the construction of the Central Avenue such sites as are at its disposal are unsuited for the residence of the poorer middle class. The Board has appointed a committee to consider the whole problem of re-housing and has made a recommendation on the subject for the consideration of Government in connection with the amendment of the Act.

(b) (ii) As already mentioned in reply to (b) (i) and (c) the Board of Trustees has carried out one re-housing scheme, of which particulars will be found in paragraph 13 of its annual report for 1917-18. The Board is considering a proposal to erect another block of dwellings under section 52 of the Act and is offering land at concession rates to persons displaced by scheme No. VII.”

By the Hon'ble Babu Bhabendra Chandra Ray:—

13.

Free
studentships in
primary schools.

(a) Have the Government any information regarding—

(i) the number of children who enjoy free studentships in primary schools in each division; and

(ii) the proportion they represent of the total number of children in primary schools?

(b) Is there any rule prescribing any limit to the number of such free studentships in primary schools?

Answer by the Hon'ble MR. O'MALLEY :—

“(a) (i) (ii) Government have no information.

(b) Primary schools are under the control of local bodies and no rule of the kind referred to has been issued by Government.”

*Questions and Answers.***By the Hon'ble Babu Bhabendra Chandra Ray:—**

14.

Are the Government aware that the Government of Bombay are intimating to all inspectors and headmasters of schools that if they are satisfied that the payment of fees levied on students would preclude any children from attending primary schools, they should admit all such children free from the payment of fees?

Bombay Government's orders as to admission of poor students in primary schools.

Answer by the Hon'ble MR. O'MALLEY :—

" Government have no information on the point."

By the Hon'ble Babu Bhabendra Chandra Ray:—

15.

Will the Government be pleased to state whether any revision of the grant-in-aid rules is contemplated, especially with regard to the provisions relating to the constitution of the managing committees of schools and the appointment of Presidents thereof?

Revision of the grant-in-aid rules.

Answer by the Hon'ble MR. O'MALLEY :—

" Rule 3 of Section II and rules 2 and 3 of Section III of the Grant-in-aid rules have recently been revised. Copies of the rules as revised are laid on the library table. No further revision is at present in contemplation."

By the Hon'ble Babu Bhabendra Chandra Ray:—

16.

In view of the abnormal rise in the price of food-grain, are the Government considering the desirability of asking municipalities and district boards to open stores for the supply of grain at cost price in selected areas, and affording all facilities to them in that behalf?

Opening of stores for the supply of food-grain.

Answer by the Hon'ble MR. MCALPIN :—

" The answer is in the negative."

By the Hon'ble Babu Bhabendra Chandra Ray:—

17.

With reference to the answer to starred question No. II of the 19th December, 1918, will the Government be pleased to state whether they are taking any steps to regulate the retail prices of food-grain in the *mufassal*, particularly of the imported Rangoon rice referred to in the said reply?

Retail prices of food-grain in the *mufassal*.

Answer by the Hon'ble MR. MCALPIN :—

" The answer is in the negative."

*Questions and Answers.***By the Hon'ble Babu Bhabendra Chandra Ray:—**

18.

Statistics as to
chaukidari
assessment.

With reference to the answer to clause (f) of my unstarred question No. X of the 26th November, 1918, will the Government be pleased to state whether the statistics published with Government Resolution No. 6774-A., Appointment Department, dated the 2nd December, 1918, were not available to Government at the time the said answer was given?

Answer by the Hon'ble MR. KERR :—

"The statistics published with the Government Resolution of the 2nd December were received before the 26th November, but had not then been compiled. It may be noted that those statistics relate only to non-agriculturists paying chaukidari tax at the rate of Rs. 2 and over and at the rate of Rs. 4 and over, whereas the Hon'ble Member's question related to all classes of chaukidari tax payers paying Rs. 4, Rs. 2 and Re. 1, respectively."

By the Hon'ble Rai Mahendra Chandra Mitra Bahadur:—

19.

Number of
qualified medical
practitioners in
the Burdwan
and Presidency
Divisions.

Will the Government be pleased to state (1) the total number of qualified medical practitioners, and (2) the total number of qualified lady doctors, in each of the sub-divisions of the districts of the Burdwan and Presidency Divisions, respectively, showing (i) how many of them passed from the Medical College, Calcutta, and from other recognised medical schools, and (ii) how many hold registered British qualifications?

Answer by the Hon'ble MR. DONALD :—

"The Hon'ble Member is referred to the Annual Medical List published by the Bengal Council of Medical Registration."

By the Hon'ble Rai Mahendra Chandra Mitra Bahadur:—

20.

Influenza
epidemic.

(a) Will the Government be pleased to state the total number of seizures and deaths from influenza up to December last, in each of the districts in the Burdwan and Presidency divisions?

(b) What amount has been actually spent by each of the district boards for the treatment of the poor people attacked with influenza?

(c) What amount has been contributed by Government to each district board for the said purpose?

Answer by the Hon'ble MR. O'MALLEY :—

"(a) Government regret that they are not in a position to supply this information as the reporting agency is unable to distinguish influenza from other febrile diseases with respiratory symptoms.

(b) A statement is laid on the table which contains the information at present available.

(c) No applications have been made for financial assistance and no grants have been made by Government for the purpose."

Questions and Answers.

Statement referred to in the answer by the Hon'ble MR. O'MALLEY to question No. 20 (unstarred) asked by the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR at the Council meeting of the 21st January, 1919, showing the amount spent by each of the District Boards in the Presidency and Burdwan Divisions for the treatment of poor persons suffering from influenza—

	Rs.
Burdwan, approximately	6,500
Birbhum	5,080
Bankura	1,916
Midnapore	3,002
Hooghly	3,000
Howrah, approximately	470
24-Parganas	Figures not available.
Nadia, approximately	4,000
Murshidabad	1,233
Jessore	1,400
Khulna	1,121

By the Hon'ble Rai Mahendra Chandra Mitra Bahadur:—

21.

Will the Government be pleased to lay on the table the names and full addresses of the dealers who have been licensed in accordance with the conditions prescribed under the Defence of India (Consolidation) Rules, 1915, and published under Notification No. 442 T.—Com., dated the 1st October, 1918, for the sale of standard cloth to poor people in Bengal.

Licensed dealers for the sale of standard cloth to poor people.

Answer by the Hon'ble MR. DONALD :—

"The notification cited has reference to wholesale transactions in cotton cloth in general and not to the licensing specifically of dealers in standard cloth; it is current only within the municipal limits of Calcutta. Owing to the fall of prices in Calcutta the scheme for the sale of standard cloth has not yet been introduced."

By the Hon'ble Rai Mahendra Chandra Mitra Bahadur:—

22.

(a) Is it a fact that the Calcutta Improvement Trust intend to acquire municipal holdings Nos. 11-1, 11-2, and 11-3, Ram Kissen Dass Lane, for a public square?

Acquisition of certain municipal holdings for a public square.

(b) If so, will the Government be pleased to lay on the table full particulars of the scheme?

Answer by the Hon'ble MR. O'MALLEY :—

"No scheme embodying such a proposal has been submitted to Government which have no information on the subject."

Questions and Answers.

By the Hon'ble Rai Mahendra Chandra Mitra Bahadur:—

23.

Application for
separate
numbering
and assessment
of certain
municipal
holdings.

(1) Is it a fact—

- (a) that a Hindu widow named Srimati Nani Bala Debi applied to the Assessor, Calcutta Corporation, on the 22nd June, 1917, for separate numbering and assessment in respect of her share of land situated in municipal holdings Nos. 11-2 and 11-3, Ram Kissen Dass Lane;
- (b) that the Assessor in his letter No. A 7114, dated the 18th October 1917, rejected the application on account of objections preferred by the City Architect;
- (c) that Babu Satish Chandra Biswas, a Solicitor on behalf of the above-mentioned widow, entered into considerable correspondence with the City Architect about the objections referred to in clause (b);
- (d) that the City Architect in his letter, dated the 7th May, 1918, replied that he had no further objections to the widow's land being separately assessed;
- (e) that on the 8th June, 1918, she submitted to the District Building Surveyor to the Corporation, plans for the construction of a residential house on the said land in conformity with the building regulations;
- (f) that permission for the construction was refused by the Building Surveyor in his letter No. 1 B—1062, dated the 2nd July, 1918, on the ground that the site was on a *tank filled* land;
- (g) that the same Building Surveyor in his letter No. 1025, dated the 24th June, 1915, granted permission to one Babu Tarapada Paulit to erect a building on a portion of municipal holding No. 11-3, Ram Kissen Dass Lane, the site of which was also on a *tank filled* land;
- (h) that the said widow renewed her application to the Building Surveyor on the 15th July, 1918, drawing his attention to the fact mentioned in clause (g); and
- (i) that the Building Surveyor in his letter No. 1 B—2541, dated the 4th December, 1918, rejected her second application for a reason entirely different from that referred to in clause (f), namely, that the site was affected by a public square?

(2) Will the Government be pleased to state whether it is a fact that permission for the construction of a residential house is sometimes refused by the Corporation of Calcutta before any declaration is published?

Answer by the Hon'ble MR. O'MALLEY:—

“(1) and (2) Government have no information. This is a matter concerning the Corporation and the information should be asked for at a meeting of the Corporation.”

By the Hon'ble Rai Mahendra Chandra Mitra Bahadur:—

24.

Admission into
medical schools
and colleges.

- (a) Will the Government be pleased to state the number of qualified applicants that have been refused admission into (i) the medical colleges and (ii) other recognised medical schools in Bengal, during each of the last ten years?

Questions and Answers.

(b) Will the Government be pleased to state what steps, if any, are being taken for the admission of a larger number of students into the medical colleges and other recognised medical schools in Bengal?

Answer by the Hon'ble MR. DONALD :—

“(a) A statement giving the information required is laid on the table.

(b) Arrangements have been made by which the Campbell and the Dacca Medical Schools will now accommodate 500 and 400 students, respectively, as against 300 and 200, the maximum number in 1910. The Governor in Council also contemplates the opening of a new medical school at Burdwan and a scheme is now under preparation.”

Statement referred to by the Hon'ble MR. DONALD in his answer to question No. 24 (unstarred) asked by the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR at the Council meeting of the 21st January, 1919, showing the number of applicants that have been refused admission into (i) the medical colleges, and (ii) other recognised medical schools in Bengal during each of the last ten years.

YEAR			Medical College, Calcutta.	Campbell Medical School.	Dacca Medical School.
1			2	3	4
1909	...	...	81	Figures are not available.	84
1910	...	...	222		34
1911	...	...	253		72
1912	...	...	255		20
1913	...	...	235		70
1914	...	...	278		62
1915	...	...	285	317	32
1916	...	...	274	413	37
1917	...	...	281	176	25
1918	...	...	459	531	106

By the Hon'ble Babu Siv Narayan Mukharji:—

25.

Will the Government be pleased to state whether, with reference to the recent gracious message of Her Majesty the Queen-Empress to the women of India, Government propose to adopt a new line of policy in the direction of uplifting the future motherhood of this Province by raising the status of the existing girls' schools and by making adequate provision for bringing “the means of education and knowledge” within the practical reach of married *zenana purda* ladies?

Improvement of the existing girls' schools in Bengal.

*Questions and Answers; The Bengal Tenancy (Amendment) Bill.**Mr. Cumming.*

Answer by the Hon'ble MR. O'MALLEY:—

"Government are fully aware of the desirability of providing for the expansion and improvement of female education and have recently made an additional allotment for the purpose of Rs. 1,80,000 out of the 5½ lakhs grant. It may be pointed out that the provision of zenana education would be no new feature of the educational policy of Government: in this connection the Hon'ble Member's attention is drawn to paragraph 513 of the last quinquennial review of the progress of education in Bengal. As regards raising the status of existing girls' schools, by which it is presumed the Hon'ble Member means the conversion of primary into secondary schools, it may be pointed out that the elementary education of girls is of paramount importance under present conditions and that such conversion can only be effected when it is justified by a demand for secondary education."

LIST OF BUSINESS—Item No. 2.**THE BENGAL TENANCY (AMENDMENT No. 2) BILL, 1918.**

The Hon'ble MR. CUMMING moved that the report of the Select Committee on the Bengal Tenancy (Amendment No. 2) Bill, 1918, be taken into consideration.

The motion was put and agreed to.

LIST OF BUSINESS—Item No. 3.

The Hon'ble MR. CUMMING also moved that the clauses of the Bill be considered for settlement in the form recommended by the Select Committee.

The motion was put and agreed to.

LIST OF BUSINESS—Item No. 4.*Clause 1.*

The Hon'ble MR. CUMMING also moved that in clause 1 of the Bill, for the words, brackets and figures "the Bengal Tenancy (Amendment No. 2) Act, 1918", the following be substituted, namely:—

"the Bengal Tenancy (Amendment) Act, 1919".

The motion was put and agreed to.

LIST OF BUSINESS—Item No. 5.*Clause 2.*

The Hon'ble MR. CUMMING also moved that in clause 2 of the Bill, in the first and second provisos, for the words, brackets and figures "the Bengal Tenancy (Amendment No. 2) Act, 1918", the following be substituted, namely:—

"the Bengal Tenancy (Amendment) Act, 1919".

The motion was put and agreed to.

*The Bengal Tenancy (Amendment Bill.**Kumar S. S. Ray; Mr. Cumming; Mr. P. C. Mitter.***LIST OF BUSINESS—Item No. 6.**

The Hon'ble KUMAR SHIB SHEKHARESWAR RAY moved that after the word "*mukarrari*" in line 2 of the proposed sub-section (3) of section 74 (clause 2 of the Bill) the words "or rent-free" be inserted.

He said :—

"My lord, the Select Committee have taken a very reasonable view in connection with this Bill, but I do not know why they have left out of their consideration the point raised in my amendment. I had also referred to them at an earlier stage of the Bill. It is true that the incidence of rent-free tenures are not to be found in the Bengal Tenancy Act, but I think that it is only a question of omission. As far as my information goes such tenures are governed by the Tenancy Act. As a matter of fact, rent-free tenures are still being created by proprietors and they have been elaborately dealt with in the Cess Act. As provisions have been made for permanent tenures it is but proper that similar provision should be made in respect of rent-free tenures, and I hope that my amendment will be accepted."

The Hon'ble Mr. CUMMING said :—

"My lord, the Hon'ble Member says that he is not aware why the Select Committee made no reference to rent-free tenures and he suggests that, as in the Bill reference has been made to the category of *mukarrari* tenures, rent-free tenures should not be omitted. I venture to think that the Hon'ble Member is under an entire misapprehension. The reason why no reference in this amending Bill has been made to rent-free tenures is that in the substantive part of it, namely, in clause 2, there is a reference only to section 41 of the Cess Act which deals with the liability of cultivating tenants as regards the cess which they should pay. The case of rent-free owners is covered by an entirely different section of the Cess Act; and, therefore, as this Bill does not propose to alter the conditions under which such rent-free holders pay cess, it is obvious that it is entirely unnecessary to make any reference to rent-free holders in this Bill. In fact, it is an obvious canon of legislative drafting not to put in a saving clause where it would be superfluous and unnecessary to create one; and I might go even further and say that not only is it unnecessary, but it might be misleading. The reason why you find in the Bill a saving clause regarding *mukarrari* tenure-holders is that the High Court pointed out with complete correctness that, while section 179 of the Bengal Tenancy Act saves such leases as were granted subsequent to the Tenancy Act, it does not save leases that were granted before the passing of the Tenancy Act. It was for that reason that the sub-clause (3) in clause 2 of the Bill has been inserted, but this reason does not apply in the slightest degree in the case of rent-free holders who are not affected by the Bill in any way and for whom no saving clause is required.

The Hon'ble Mr. P. C. MITTER said :—

"My lord, as a member of the Select Committee I would like to add one word of explanation. I entirely agree with the Hon'ble Mr. Cumming as to the reasons which the Hon'ble Member has given for not including the words "rent-free" in that particular clause which the Hon'ble Kumar Shib Shekhareswar Ray wishes to amend. Furthermore, in my view of the matter if a certain zamindar desires to create a rent-free tenure permanently, then, if it is a tenure within the land, it is wide enough. If it is not a permanent tenure, then, as the Hon'ble Mr. Cumming has already explained

The Bengal Tenancy (Amendment) Bill ; The Bengal Village Self-Government Bill.

Kumar S. S. Ray ; Mr. Cumming ; Sir Henry Wheeler.

it is not touched by the provisions. So, as a matter of drafting, as also as a matter of looking to the substance of the thing, I do not think the inclusion of the words is necessary."

The Hon'ble KUMAR SHIB SHEKHARESWAR RAY said :—

" My lord, the Hon'ble Mr. Mitter is a lawyer and also a zamindar ; if he thinks there is nothing wrong in this I beg to withdraw my amendment."

The motion was then, by leave of the President, withdrawn. •

LIST OF BUSINESS—Item No. 7.

The Hon'ble MR. CUMMING moved that the Bill, as settled in Council, be passed.

He said :—

" My lord, I do not desire to encroach on the time of the Council ; but there are two points which I should like to mention for record. One is that the motives which influenced Government in undertaking this legislation have been justified by facts which I have ascertained since the matter has come under discussion. What the High Court said was that it was not illegal to take from a cultivating raiyat more than half an anna per rupee : the maximum of the road cess and the public works cess together, as laid down by law, is one anna per rupee. Therefore, it may be presumed that anything above one anna per rupee would be illegal and was not contemplated by the High Court's decisions ; but I find that in some cases certain landlords have been taking from cultivating raiyats not only more than half an anna and under one anna, but as much as two annas per rupee, and even up to three annas per rupee. As was stated when the Bill was presented to the Council, the object of Government is to reassert the policy laid down when the Cess Act was passed, namely, that the cultivating raiyats should pay not more than half an anna per rupee. The other point which at this stage I should like to mention is that even those landlords who, acting under the authority of the decisions of the civil courts, have taken more than what Government understood to be the legal maximum according to the Cess Act, have a certain pricking of conscience ; for I find from their papers that they carefully do not give any receipt for any excess which they may take over and above the half-anna per rupee. Moreover, if they sue a tenant, they enter in the plaint only the maximum according to the Cess Act ; and if the tenant does not pay the excess they do not take any further steps. For these reasons, I think that this legislation is justified. I now beg formally to move that the Bill, as settled in Council, be passed."

The motion was put and agreed to.

LIST OF BUSINESS—Item No. 8.

THE BENGAL VILLAGE SELF-GOVERNMENT BILL, 1919.

The Hon'ble SIR HENRY WHEELER presented the report of the Select Committee on the Bengal Village Self-Government Bill, 1919.

*The Bengal Village Self-Government Bill.**Sir Henry Wheeler.*

He said :—

"My lord, I beg to present the report of the Select Committee on the Bengal Village Self-Government Bill, 1919.

"The time allowed by the Council for the deliberations of the Select Committee was found to be none too long, and it was only by crowding in fourteen meetings and protracting some of them till an inconveniently late hour in the evening that we have been able to finish our work. We have, however, got through the Bill, and I trust that we have improved it. On first sight, looking at the copy of the Bill which has now been circulated, Hon'ble Members will perhaps think that we have made a very great number of alterations, but on further examination Hon'ble Members will find that these changes reduce themselves to two or three main categories, and essentially we have not departed from the original characteristics of the measure.

"A number of changes follow from the alteration in substance which we have made (and to which I will refer again shortly) in eliminating the circle board, which renders unnecessary a certain number of clauses and has led to verbal amendments in others. Secondly, by reason of the change which we have made in nomenclature by using the words "union board" in place of 'village committee' we had to insert a number of verbal alterations. We thought on the whole that union boards, union benches, and union courts represented more accurately what these new bodies would actually be. A third type of general amendment is primarily verbal, with the object of clearing up obscurities in, and eliminating superfluities from, some of the clauses which on examination we thought to be somewhat defective. The action taken in that direction has merely been with the object of rendering the Bill more concise, more clear, and more definite, because we have got to remember that action will be taken under this Bill by men who will not be highly trained either in law or in administration. Apart from that, we have made a fair number of alterations in minor points which seemed to the Select Committee to be improvements on the original proposals, but, as I have already said, I do not think they fundamentally affect the principles on which the Bill was drawn up.

"The most important change we have made is in discarding the original idea of circle boards. I referred to that point when I moved that the Bill be referred to a Select Committee, and I will not now repeat the general arguments which I then submitted, and which, on further consideration, the Select Committee accepted. We came to the conclusion that the circle board would be somewhat superfluous, that it would not be a very large or important body which would attract keen men to serve upon it, while in so far as we might not be able to cover the whole of any one sub-division with union boards, but in certain areas might have to retain the existing system, there would be confusion between the simultaneous jurisdiction of the circle board and the local board. Therefore, we decided, as the simplest thing, to stick to the local boards that we have at present. Local boards certainly would, in general, be the better for a little more activity and keenness in their proceedings; but the additional responsibilities conferred by this Bill will tend, possibly, to rectify these deficiencies, and in any case it lies largely in the power of district boards to stimulate the interest of the local boards under them by giving them more money and entrusting them with more important duties. In any case our proposals give another chance to local boards, and if there is to be brought about at any time hereafter the fundamental change of doing away with local boards without substituting, as in the original Bill, an alternative minor organization, I think that the large change of principle which would leave the district board, working, possibly, through standing committees, as the only local authority in

*The Bengal Village Self-Government Bill.**Sir Henry Wheeler.*

the district, should be discussed and debated as such, and not as a side-issue on a measure of this kind.

"The other detailed alterations are set out in the report, and I do not wish to delay the Council by taking them through each one. I think most of the explanations speak for themselves, and I will only mention one or two that are of somewhat special importance.

"For instance, in clause 3 we have provided that before declaring local areas as 'unions' the views of the district board should be considered. This has been done in compliance with a considerable amount of opinion that was received to the effect that the district board should be brought in further as a working entity in the scheme; and for somewhat similar reasons in clause 15 we have allowed the resignation of his office by a president of a union board to be accepted by the chairman of a district board, instead of by the District Magistrate, while in clause 17, in the probably rare event of the union board failing to elect a president, we have vested his appointment also in the district board. All these changes will reduce the intervention of the District Magistrate, to which some exception was taken in the replies that have been received.

"In clause 22A we have made an important change in providing that the views of the union board shall be considered before a dafadar is appointed. It will be noticed that one of the members of the Select Committee in his note of dissent would like to give the right of the nomination of a dafadar to the union board, but the majority were not able to go as far as that, although the modification which we have made will go some way towards meeting him.

"Passing on to the duties and functions of union boards we have made various changes, largely of arrangement, in matters relating to sanitation and water-supply, and we have set out particularly in clause 28A that the preservation of public health is a duty of the union board. We have also definitely laid down that the union boards will be required to supply any local information which the District Magistrate, the district board, or the local board may require and, following the precedent of the Bengal Municipal and Local Self-Government Acts, we have added a clause whereby union boards may undertake and carry out any other local work of public utility likely to promote the health, comfort, or convenience of the public, and not otherwise provided for in this Bill. Union boards may wish to see certain things done which do not actually fall within the four corners of the existing clauses.

"In clause 29 the Council will notice that we have made an important change, and I shall be glad to know whether it commends itself to the Council; we have given district boards power to order union boards to take action under that clause, and similarly under clause 32 in respect of water-supply. The desirability of so doing was represented in various quarters, and it will give a very useful power to district boards of bringing into line union boards that show themselves rather slack; at any rate, it will be in accordance with the general policy of leaving the improvement of the health conditions of the district largely to the representatives of the district themselves, whether they sit on the union boards or on the district board.

"We have also given power to remove jungle overgrowth and dense vegetation which is considered prejudicial to health. This is a matter of great importance in this province, about which much has been written and said.

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"We have further provided that union boards may cause burning ghats and burial places to be established. These measures of sanitation speak for themselves.

"We have also made a provision, in so far as people are ordered by union boards to do certain things in respect of sanitation, that a right of appeal shall lie, in one case, which is of a more important character, to the district board, and in another, where the matter is less important, to the local board.

"In clause 33, which previously dealt only with roads, bridges, and the like, we have inserted waterways, and in view of the conditions prevailing in large parts of Eastern Bengal this seems to me a very useful change.

"In clause 35A we have inserted a new provision giving the right of regulation of an offensive or dangerous trade or business; these can at present be dealt with within municipal limits, but they may equally well be established outside them.

"In clause 37 we have enlarged the power of union boards regarding establishments, but as a safeguard we have made the exercise of the powers of appointment and the rates of pay subject to the sanction of the local board.

"In clauses 56 and 57, which deal with the power of inspection by superior authority, we have brought in the chairmen of district and local boards so as to give them direct responsibilities over the working of the union board.

"Clause 59A contains a somewhat important change in the Bill, although it merely follows in substance an existing provision in the Chaukidari Act. When this Bill was drafted we desired to get rid of the old liability under which personal warrants could be issued against the members of chaukidari panchayats for the realization of the arrear pay of chaukidars. That has always been represented as one of the causes of unpopularity of chaukidari panchayats. The Bill, as introduced, did not, however, afford an adequate alternative, and we have, therefore, gone back to the existing provision in the chaukidari law under which the District Magistrate can send a tahsildar to collect the arrears if the union board fails to do so.

"Coming to the matter of courts and benches we have made a number of minor changes, and we have made it clear that in criminal or civil matters the benches will only deal with offences committed, or causes of action arising, within their jurisdiction.

"In clause 102A we have considered the point as to how the amount realized under a decree is to be distributed if the sum due is not realized in full, and we have adopted the principle of rateable distribution.

"In clause 105 we have made a change regarding the payment of witnesses as there was a considerable amount of opinion that 15 miles was too far to require a witness to travel without being reimbursed his expenses.

"There are various other minor points, but I think a perusal of the report of the Select Committee will explain them sufficiently to Hon'ble Members.

"The measure is not a controversial one nor, I trust, will it prove to be so when the subject is discussed in this Council. The object of all of us

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is the same, and our able wish is to produce a clear and workable measure. Hon'ble Members will notice two notes of dissent attached to the report, and their existence might be taken at first sight to be contradictory to what I have just said ; but I think it will be seen on examination that these two notes merely raise minor points, some of which are arguable, and some of which (particularly in connection with the Hon'ble Rai Sri Nath Ray Bahadur's dissent, who was, unfortunately, for domestic reasons, which we all deplore, unable to attend all the meetings of the Select Committee) might possibly have been cleared up if we had been able to have further verbal discussion. The Hon'ble Babu Bhabendra Chandra Ray has raised the question of the residential qualification of voters, on both sides of which there is something to be said, while he would like to make it obligatory on the dafadar and chaukidars to obey the orders of the bench. On examination we thought that this was already sufficiently provided for under the Bill. Another point is regarding the taking over of the duties of a superseded union board. It is not one which frequently arises, and I think I shall be able to show, if it crops up in Council, that there is not much real difference in substance between us. Finally, the dissentients raise a point about the assignments to be made to union boards by Government and the district board. They would like to have something in the nature of a statutory obligation on Government and the district board to contribute towards the expenses of union boards. I think that there are great practical difficulties in the way of such a statutory provision, but it is a point worth argument and discussion in Council.

"With these observations I beg to present the report of the Select Committee."

LIST OF BUSINESS—Item No. 9.

THE BENGAL PRIMARY EDUCATION BILL, 1919.

The Hon'ble BABU SURENDBA NATH RAY presented the report of the Select Committee on the Bengal Primary Education Bill, 1919.

He said :—

"My lord, the original Bill, which was circulated to Commissioners of municipalities and local authorities for opinion, contemplated making primary education compulsory. We, however, received certain opinions from the Calcutta Corporation and the Calcutta University in which it was suggested that voluntary primary education ought to precede compulsory education. The Select Committee accepted the suggestion of these influential bodies, and modified the provisions of the Bill accordingly.

"There is another suggestion also which we have considered and it is this : in the original Bill it was proposed that where education cess was to be levied primary education ought to be made free, but the members of the Select Committee thought that it would be an unwise policy not to levy fees from the boys of schools even if the education cess were levied, and so we also had to modify the provisions of that clause. These are the material alterations which have been made in the Bill."

*Resolutions.**Sir D. P. Sarbadhikari.***SUPPLEMENTARY LIST OF BUSINESS.****RESOLUTION ON THE RIGHT HON'BLE SIR S. P. SINHA'S APPOINTMENT.**

The Hon'ble SIR DEBA PRASAD SARBADHIKARI moved the following resolution :—

That the grateful and dutiful thanks of the Council be conveyed through His Excellency the Viceroy to His Gracious Majesty the King-Emperor for the appointment of the Right Hon'ble Sir S. P. Sinha, P.C., K.T., K.C., as the first Indian Minister of the Crown.

That the thanks of the Council be also conveyed to the Right Hon'ble the Prime Minister.

That the heartiest felicitations of the Council be conveyed to the Right Hon'ble Sir S. P. Sinha.

He said :—

"My Lord, in placing this resolution before the Council for its acceptance, I feel weight down by a sense of sorrow which the Empire at large feels at the great grief of their gracious Majesties the King-Emperor and the Queen-Empress. A brave, good and wise King who at every stage of the fateful struggle through which the Empire has just passed, has devotedly and whole-heartedly been with his people naturally commands to-day their whole-hearted sympathy, and the Empire's respectful condolence will be tendered to him in his great bereavement—the first that he had as a father.

Ordinarily, the head of a constitutional monarchy would not have much to do with a ministry appointment like the one my resolution contemplates and ordinarily such a resolution would probably be out of place. But, in the exceptional circumstances of the case, I feel,—and the Council will probably think with me,—that our grateful thanks are due to His Majesty not only for His Majesty's approval of this great step, but also for the impulse that it must have received from him, if not the actual initiative. The message of hope with which His Majesty followed up his message of sympathy in this country is being daily translated into action, steadily if slowly, and it would be worse than a blunder not to recognise the full value and the significance of the unprecedented action that has now been courageously taken.

Our thanks are also due to the Prime Minister for his part in the action, and that could be no mean a part. But for his initiative Sir S. P. Sinha's name as the first Indian Minister of the Crown could not—nay, need not—have been thought of. As Mr. Lloyd George has recently said, it is not the greatest eloquence that gets things done. We had eloquent appeals, eloquent representations, eloquent re-assurances and at times eloquent promises. The time for eloquent action has now come and some of the first steps are about to be taken. Due and dutiful gratitude should, therefore, be ungrudgingly rendered.

If non-recognition of the value of the step would be a blunder, I am free to own that over-estimation of its value would be a mistake. No one for a moment imagines that stray high honours or offices can satisfy or uplift a people. And if this step was one such, there would be less occasion or justification for the widespread rejoicings that have found expression in the press, on the platform and among public bodies and individuals. But one must recognise, and is glad to be reassured, that this step is no isolated and thoughtless measure of placation or individual preferment. It is but a part

*Resolutions.**Babu S. N. Ray.*

of a concerted and deliberate scheme that is fast maturing and the step, which is a great step in advance, is but a sign and a symbol of the changing times.

That Sir S. P. Sinha has been chosen for this great honour and greater responsibility is no mere accident. The first Indian Advocate-General, the first Indian Member of the Imperial Executive Council, the first Indian King's Counsel the first Hindu Privy Councillor, and one of the first Indians on the Imperial War-Cabinet, was naturally one of the first to be called upon to deliberate on the victories of Peace, ever more glorious than the victories of mere War. And when the time came for giving an Indian a permanent, recognised and useful position in connection with the work of reconstruction, his name was also naturally the first. It is a great honour to India and a greater recognition of her claims that at no step or stage of the Peace Conference the Indian representatives are to be dropped out, though in all stages the Indian members will not necessarily sit as such.

And is this not largely due to the high and undoubted personal qualities of Sir S. P. Sinha, and his princely colleague? An unobtrusive and assiduous worker, without any delusions and devoid of the art of deluding, Sir S. P. Sinha is endowed with uncommon common-sense; his unbending rectitude and high ideals utterly unfitted him for scheming for place or honour, and what has come to him has come because it was bound to. Like his friend Sir P. C. Roy, one of the many belonging to the notable Presidency College days in the early eighties of the last century, that produced Sir S. P. Sinha, he has no claims or pretensions to genius. He would himself be horrified by the idea, as Sir P. C. Roy has recently been. He has the marvellous gift of hitting at the right conclusion on the shortest possible notice, and is essentially a practical man of sound views. The joy felt at his elevation is not merely personal, though he is a dear friend to many. Nor is it merely communal or provincial. It is much more, and the whole country naturally desires to felicitate him. He is one of our very own, but that is no less a claim on our good feelings, and I invite the Council to convey their heart-felt felicitations to their colleague. Whether turbaned and bejewelled for Parisian enjoyment, as an enterprising newspaper agency has imagined him in fancy, or whether in his plain habiliments, such as he ordinarily delights in, the Right Hon'ble Sir Satyendra Prosanna Sinha will prove himself a good man and true, as he has always been,—a loyal, worthy and watchful son of India, Her glory he will uplift, and her good name and prestige he will uphold in her restored place among nations, in the eyes of nations assembled for united effort for the supreme enthronement of righteousness and for the final confusion of the world-forces of disorder, some idea of whose mysterious and mischievous creed is manifest in the latest nationalisation ideas of the hated Bolshevik."

The Hon'ble BABU SURENDRA NATH RAY said :—

"My Lord, I associate myself with all that has been said by Sir Deba Prasad Sarbadhicari. It is a matter of great gratification to us that the Right Hon'ble Sir Satyendra Prosanna Sinha who was a non-official member of this Council only three years ago, and was a member of the Executive Council of Your Lordship's Government up to a week ago, has been raised to the position of Under-Secretary of State for India. The appointment, I need hardly say, is unique. It not only shows the confidence of the British Government in an Indian of ability and merit, but also shows that where such ability exists, Government desire to avail themselves of the services of such ability. The appointment will give immense opportunities to an able Indian like Sir S. P. Sinha of doing real good to his country. The appointment of Indians to the Council of the Secretary of State for India as well

*Resolutions.**Maulvi A. Kasem.*

Mr. Blackwood for instance is opposed to compulsory acquisition of grazing lands : and he suggests the growing of what is known as fodder crops and the adoption of mixed farming as being more effective and welcome remedies.

Taking all circumstances into consideration it seems that it will not be advisable to go in for compulsory acquisition of lands particularly in the face of a definite economic tendency to take up as much possible of the available land for purposes of cultivation. At any rate some voluntary method of securing the object should be given a fair trial before compulsory acquisition can be thought of. Besides the huge expenditure which a scheme of compulsory acquisition will entail, if it is to solve the problem for the entire province, makes one despair.

The best plan will be to entrust the matter to the care of union boards which are to be created under the Village Self-Government Bill. And it will be for them to take the initiative and carry the project through with the willing co-operation of the Government, the zaminder and the tenant.

I hope the discussions on the subject will not be in vain and that Government will try to tackle the problem and inform the Council of their plan before long."

The Hon'ble MAULVI ABUL KASEM said :—

"My Lord, I should like to associate myself with the appeal which has been made by the Hon'ble Babu Kishori Mohan Chaudhuri for the consideration of the question of improving not only the breed of the cattle, but for the protection of the cattle as well. I am sorry that like my friend the Hon'ble Babu Surendra Nath Ray I cannot support the resolution as it stands. The resolution suggests that a committee consisting of officials and non-officials should be appointed. I regret that in my opinion a committee so constituted will be practically of very little value. I think the Government should take up an enquiry into the matter, and after securing the opinions of experts as well as of lawyers should provide some means for the protection of cattle. In a country, where agriculture is the chief industry, the question of the breeding of cattle and their maintenance is a question of the greatest possible importance. My Lord, millions of cattle—cows and bullocks—are slaughtered in India to provide food for the non-Hindu population and I wonder what would be the situation if we take a vow not to take beef. How the people of India are to maintain such a large number of cattle unless some provision is made for it? My friend the Hon'ble Babu Surendra Nath Ray suggests that this matter should be left to the discretion of union committees who are to deal with it in consultation with Government and zamindars, I unfortunately differ from him. I think that the question should be taken up and taken up at once by the Executive Government, because it is a question in which there is no difference of opinion between popular representatives and the members of Government, and both are anxious to see that something should be done, and Government alone is in a position to decide this question. My Lord, the permanent settlement has been a great blessing to this country, but later experience and investigation have at least shown that it is not an unmixed blessing at any rate. To the permanent settlement we are indebted for the loss of grazing ground and what is more, the silting up and of innumerable silted up tanks in the cornfields. My friend the Hon'ble Babu Surendra Nath Ray says that it is more advantageous to have every inch of land for purposes of cultivation, but I want to know how cultivation work is to be carried out if there are no cattle in the country to plough the land. Over these matters I cannot express an opinion of my own ; but I think that something ought to be done, and done immediately, to see that more grazing grounds are provided for our cattle and that some means for feeding them is provided and that the quality of cattle is improved."

*Resolutions.**Rai D. C. Ghosh Bahadur.*

The Hon'ble RAI DEBENDER CHUNDER GHOSH Bahadur said :—

"My Lord, I want to say a few words on this resolution and at the outset I should like to state that I associate myself with the Hon'ble Babu Kishori Mohan Chaudhuri in his desire to have a committee appointed to enquire into the causes of the deterioration of cows in Bengal and to report as to the best means of improving them. There are, of course, no two opinions on the point that cattle in Bengal—I may say in most parts of India—have deteriorated in quality as also, I believe, in numbers. It is not of much use to refer to ancient Hindu writings and it is well-known that in pre-British days every village had its *Gogrash* of 30 bighas of land assigned as for the use of the cattle of the village, and it may be, as stated by the Hon'ble Maulvi Abul Kaseem, that one result of the permanent settlement has been to give all these pasture lands to the zamindars who have made settlements of these lands for cultivation. All these uses were not foreseen at the time of the permanent settlement, but the permanent settlement has not been an evil to the country. There might have been mistakes of this kind at the time of the permanent settlement and provisions were not made for pasture lands. I may be permitted to invite the attention of the Council to the fact that Government *khas mahal* lands—a very appreciable portion of this province—have not been permanently settled for purposes of revenue. In the 24-Parganas there are large tracts which are Government *khas mahal* —and I think I may state, subject to any correction which official gentlemen may make on this subject, that there is no provision in the Government *khas mahal* in that district for setting apart any land for pasture of cattle. If that be so, I think it is not the zamindars of the permanently-settled estates who are to blame for the present state of things. The present state of things was not foreseen in the 18th century, and when we became aware of the evil which has come upon the economic situation of the country, we have neglected the preservation of pasture lands. We have not been very keen—we have not been at all earnest—in remedying the evils when we have come to know of it. The Agricultural Department of Government has been in existence about 40 years, and I do not think that the Agricultural Department has seriously tackled this question. I think that is owing to the frequent changes in the *personnel* of that Department and the stingy way in which that Department has been supplied with the sinews of finance. Whatever might have been the reason, there is the fact that within the last 40 years very little has been done to improve the situation in this matter. Cows have deteriorated for various causes, the chief cause, of course, being the want of grazing land: and it so happens that those who have the directing hand in apportioning the monetary contributions for remedying the evil are not the persons who directly feel the difficulties which have arisen on account of the deterioration of the cattle. We, Hindus, depend greatly on cattle for our sustenance, not that we live upon the flesh of cattle but the milk of the cattle sustains us from infancy to old age and we cannot resist our neighbours, the Muhammadans, in killing cattle. Then there is the European community to be considered: they are a beef-eating race and it does not matter to them whether cows or bulls are slaughtered. In England, I believe, prime-cows are not slaughtered for purposes of beef. The contrary happens to prevail in India—at least I can speak for the town of Calcutta where an effort was made sometime ago to discourage the slaughter of prime-cows, and there was such an uproar and such a commotion that the Chairman of the Calcutta Corporation was obliged to suggest the rescinding of the by-law which required a larger fee for the slaughter of prime-cows. That was the way in which it was tried to discourage the slaughter of such cows. Well that is the state of things in Calcutta. There is a scheme before the Corporation of Calcutta for acquiring grazing lands at some distance from the town of Calcutta and to set up a dairy at a considerable cost,—the estimate is ten lakhs—to supply the town of Calcutta with pure milk. All over the country

*Resolutions.**Khan Sahib Aman Ali ; Mr. Cumming.*

people are suffering for the deterioration of cows and after Your Lordship is able to suppress malaria the next best thing would be to take effective measures for the improvement of cattle and for increasing the food supply of the people of this land. I therefore have great pleasure in asking for a committee. A committee will be useful in discussing the various matters for or against the question and one will feel his way before embarking on a project. One gentleman has said that you cannot proceed under the Land Acquisition Act to acquire grazing lands. Well that is one of the ways, and, provided you have the money, that is the safest way of securing grazing lands. I only refer to this matter in the hope that a committee will be appointed to consider these things."

The Hon'ble KHAN SAHIB AMAN ALI said :—

"My Lord, that the cultivators are feeling great inconvenience there is not the least doubt. I come from Chittagong, and I have seen that lands are measured as *goban* and *gochat* : *goban* is the path reserved for the passing of cows, and *gochat* is the land reserved for the grazing of cattle. These lands have now been resumed by Government and have been leased to the people. I have also seen in hilly places in Chittagong that certain hills were used by cultivators for grazing their cattle. They have now been reserved and the people cannot graze their cattle there, especially the grazing of buffaloes has been forbidden, so that the cultivators are suffering very much. My submission to this Council is that some enquiry ought to be taken in hand, either by a committee or by the District Officers. I have consulted some of the agriculturists and some of officers of the Agricultural Department, and they have told me that there are means for producing fodder for cattle : in a small area fodder can be produced for a good number of cattle. If Government be pleased to enquire into the matter either by a committee or from District Officers it will be a great boon to the cultivators of this Province. I have no experience of other districts, but I have some experience of my own district Chittagong. I have also seen that when a new *char* is formed, grass is produced there in abundance, and that the people buy this grass and feed their cattle. But, as soon as the grass grows, Government lease the *char* and the cultivators greatly suffer. This is a matter of my own experience. Therefore, my submission to this Council in support of this resolution is that, either a committee be formed to enquire into the matter or that the matter be enquired into through District Officers."

The Hon'ble MR. CUMMING said :—

"Sir, Government have every sympathy with the anxiety which the hon'ble gentleman has regarding the decrease in grazing reserves in Bengal. He has given details and quoted from Mr. Blackwood's survey of the position ; and he suggests legislation, although one of the authorities quoted by him deprecated such legislation.

I am afraid I must trespass somewhat on the time of this Council in giving a fuller statement of the past history of the case than has hitherto been given in this debate. But I shall refrain from straying into some of the by-paths which have been trodden by some of the previous speakers.

The resolution deals with two subjects : *first*, the alleged deterioration of cattle and *secondly*, the improvement of grazing facilities. The hon'ble mover recommends in his resolution that a committee should be appointed to examine the matter. From past experience, it is more than doubtful whether from the appointment of a committee any practical result would ensue ; and this point of view has been put forward by at least two hon'ble members who have already spoken. After all, the facts are known as far as they can

*Resolutions.**Mr. Cumming.*

be known. Undoubtedly, the condition of cattle in Bengal is not satisfactory; the causes are partly climatic and partly economic. We have recently obtained from settlement reports some interesting statistics regarding cattle. In two important districts, we find that there is one animal for every two human beings; and in two other districts the record of rights of which has been recently completed we find one for every three. Again, we find one animal for every cultivated acre in a district like Dacca. We also find two animals per cultivated acre in a district like Backerganj. In addition to that, there is Mr. Blackwood's Cattle Census Report of 1915 to which the hon'ble mover has alluded. Mr. Blackwood formed general conclusions as to what the causes of the deterioration are, and I doubt whether a committee sitting at the present moment could decide anything further. Moreover, another cattle survey is due to be undertaken in January of next year. That is another reason why the appointment of a committee *ad hoc* is unnecessary.

Now, what are the causes so far as we can ascertain them. Primarily, the cause is an economic one:—namely, that it pays a cultivator better to grow crops than to produce cattle. There are many subsidiary causes, such as the smallness of holdings; deep ploughing is not required, hence cultivators are content to employ weak cattle; and the valuable fodder crops which we find grown in the United Provinces and in Bihar cannot be grown in a damp climate like that of Eastern Bengal. A damp climate, moreover, such as we have generally in Bengal, is unfavourable to the growth of vigorous cattle. There is also the want of good bulls; and I regret to say also that the cultivators do not give the calves sufficient milk. These are the general conclusions which were formed. As I have said, I do not think we can ascertain very much more by appointing a committee.

It has been urged in the debate that Government have not done enough; that Government are apathetic; and that the officers of Government, not being natives of the soil, do not appreciate the difficulties. I challenge all these statements. The Department of Agriculture has not been in existence in Bengal for so long a period as 40 years, as has been alleged; but the matter has engaged the attention of its officers throughout. The present policy of the Bengal Government at the Rangpur cattle farm is to follow two lines of action; one line is to ascertain what improvement can be effected by the process of selection from among indigenous cattle, and the other is to see what can be done by cross-breeding. Already there is an indication that the selection of the best cattle from acclimatised indigenous stock produces better results, both in the outturn of milk, and in bone and muscle. If this inference is supported, as time goes on, it will be desirable to create similar farms at many other places in the Presidency; and this, I suggest, is the proper line of action for the improvement of cattle as cattle.

The second main point in the resolution is as regards the improvement of grazing facilities. No member in the course of the debate has indicated the fact that this subject has been discussed very frequently both in this Council and in the Imperial Council. It is not a new subject; it has been brought up in recent years three times in the Imperial Council and four times in the Bengal Council; it was the subject of a budget resolution in this Council; it was also discussed in detail by the Commissioners at one of their annual Conferences; and the Government of India once raised the matter as an all-India question. What was the result? The Commissioners' Conference to which I have referred, could come to no practical conclusion. Some of the finest revenue officers that India has produced have handled this matter, and found themselves unable to check the effect of economic laws. It is true that the situation is different in different parts of India, and it is not the same even in different parts of this Presidency. One member has referred to the lands

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bordering on reserve forests in Chittagong. This is a matter of local controversy; but the solution is to allow grazing in reserved forests under such conditions as will preserve the reserved forests, and at the same time not press too hard on the cattle. The rules that have been imposed there are, I consider, fair. Then again, there is the case of *char* lands on the littoral of the Bay of Bengal. It is said that Government makes no arrangement there for setting apart lands for grazing purposes. That I also challenge. The rules are quite distinct on the subject; and have been recently emphasised by the Hon'ble Mr. Stevenson-Moore, the Member in charge of the Board of Revenue. In Northern Bengal you have an entirely different problem; there the policy is to encourage stall-feeding. The picture, however, which most people have in their minds when discussing this question is the state of the Central Bengal districts where grazing has been reduced to a minimum by the extension of cultivation. Now, one may apply one formula for practically the whole of these cases, and it is as follows: where fodder reserves are required, there is no spare land, and where there is land, no fodder reserves are required. Mr. Finucane, who was the first Director of Agriculture of Bengal and was one of the best revenue officers in this province, once said that it seemed to him that all that could be done in the permanently-settled areas in Bengal was to assist such zamindars as were willing to assist themselves, and that it was out of the question for Government to acquire land by purchase in permanently-settled areas. In more recent times, another Bengal officer whose knowledge of the agricultural conditions of Bengal it would be difficult to beat,—I refer to the Hon'ble Mr. Kerr, made the following statement in this Council: 'The problem is an economic one and no feasible method of solving it has yet been suggested. Waste land is being brought under cultivation because it pays better to grow crops on it than to reserve it for grazing purposes. Government has at present no control over the extension of cultivation in ordinary private estates, and legislation on the subject would effect many vested interests, and would be attended by grave difficulties.'

Allusion is made in these remarks to the fact that Government has no control over cultivators in private estates; now what do the zamindars themselves say? Mr. Blackwood consulted the Landholders' Association; and he was informed that the zamindars could do nothing practical in the matter, and that it would be difficult to persuade the tenants to retain any portion of the land even for such a beneficial object as the grazing of cattle. In a recent settlement report of the Dacca district, it is recorded that neither the cultivators nor the landholders' agents show any restraint in refraining from encroachment on the local village paths, which are stated to constitute the only grazing lands in the district. I may quote another authority, Mr. Moreland, one of the great revenue officers of an adjacent province, namely, the United Provinces. He had an unsurpassed knowledge of the economic conditions of those provinces. He expressed his opinion when this very matter was being discussed very appropriately at a Cattle Conference convened at Lucknow about 10 years ago. On that occasion the matter was considered from every point of view, but the Conference could arrive at no agreement. He said that in those provinces the larger landholders were voluntarily preserving the existing grazing grounds, but objected strongly to be compelled to do so, while smaller landholders were breaking up the land for cultivation until the necessary adjustment for prices ensured its retention for grazing. Therefore it comes to this that is from the self-interest of the people concerned that we must look for any improvement. It has already been found in actual practice in the Dacca district that the union committees from whom we expect so much at present, have exercised their influence in preventing encroachment on the footpaths which are at present the main source of grazing grounds in that district.

*Resolutions.**Mr. Cumming.*

The hon'ble gentleman has proposed that the propriety of legislation should be considered. This suggestion was also placed before Mr. Blackwood; and in answer to his enquiries the Landholders' Association made an entirely immature suggestion which was of doubtful legality, that Government should acquire land for grazing purposes by utilising landlords' fees which had lapsed. This suggestion was not accepted. Now as regards possible legislation, it might take one of two forms:—one form would be for the purpose of the preservation of existing lands, which are at present used for grazing, and the other form would be for the purpose of the acquisition of land for the same object. Now, as regards the first type, that has already been adopted in the legislation which was proposed for Orissa when the Orissa Tenancy Bill was brought before this Council. That Bill was subsequently taken up in the Legislative Council of Bihar and Orissa; but the chapter devoted to that end was dropped. I felt personally some regret in the matter because I had a little to do with the preparation of that chapter; but at the same time I recognised that the reasons which were then given for not following up the matter, were sufficient. The other line of action would be to acquire new land for grazing. Such acquisition may again fall under two heads; it may be permissive or it may be coercive. If it were permissive, all experience shows that the legislation would be a dead letter, inasmuch as advantage would not be taken of its provisions. If coercive, then I am sure that the resentment which would be created would be out of proportion to the advantage obtained. Obviously if any village or group of villages were to come forward and say that two-thirds of the principal landlords or tenants wished a certain area to be acquired, Government would consider the matter on its merits; but so far nothing of this kind has been done, and I have very grave doubts whether such a proposal would be forthcoming.

If I have been successful in showing that this matter has been very carefully examined in the past and that every experienced officer has admitted his inability to work miracles, then it may be asked—what can be done. I may say that Government have done, and can do, three things. First of all, Government can set a good example both in temporarily-settled estates and in Government estates which are held direct. The instructions of the Board of Revenue which are now on record, should, if followed, ensure that grazing lands are maintained. In the second place, in making a record-of-rights in this Province we have found that it is admitted by general consent that certain lands are recognised as land over which the local public have communal rights, such as grazing; and where such rights have been found to exist Government have in their record-of-rights recorded that such land is held subject to such easements. A list of such lands is attached to the record of each village. In this way existing rights are stereotyped; but there is not much of this in Bengal, and for that reason I do not expect much by way of legislation, undertaken simply for the purpose of recording existing rights. In the third place, Government can pursue the policy of endeavouring to select the fittest cattle by selection from among acclimatised cattle in the province. In course of time a type will be developed which can be spread over the province; and District Boards in their turn can perform their duty in maintaining stock bulls. These are the three definite lines of action which Government can, and should, follow. As for the landlords in the permanently-settled districts in this Presidency, they must, so far as they can, on the one hand, exercise self-restraint and refrain from turning grazing land into agricultural land, for the sake of immediate gain and, on the other hand, teach cultivators that defective cattle will in the end react upon their own productivity and on their power of paying rent. It may be that it is only in the hard school of experience that the cultivators will learn the lesson for themselves.

*Resolutions.**Babu K. M. Chaudhuri.*

For these reasons, Sir, I consider, agreeing with some of the members who have spoken, that the appointment of a committee will lead to no practical result, and that there are other lines of action which are more suitable for adoption. Therefore, I must ask the Council not to accept the resolution in its present form."

The Hon'ble BABU KISORI MOHAN CHAUDHURI said :—

"My Lord, I am sorry that I am opposed by the Hon'ble Member in charge of the department in the suggestion that a committee ought to be formed, and I am also sorry that some of my friends have misunderstood me, and have thought that a committee would do no good. From the discussions I should think it has been made clear to Your Excellency that a committee is really necessary. Of course, all that individual effort can do, is being done, and that Government are alive to the question is also apparent from the fact that there was an enquiry by Mr. Blackwood who recommended that it was necessary to take some steps for the improvement of the cattle, but that legislation was not necessary; Government could not therefore do anything in the face of that report. If, however, it is a matter of interest to the Agricultural Department, for the improvement of the milk supply, and for other reasons as well, it is necessary that something should be done. Why should Government simply depend upon that report, and say that it is an economical question, and that individual effort should be depended upon. I am told that zamindars should do something; *khas mahal* is the best ideal for the zamindars to follow. Before zamindars can do anything, the initiative should be taken in *khas mahal* land by Government and they should show the way. If it is really a public question, one class alone should not be called upon to do the needful; not only the zamindars, but also the people most interested, I mean the tenants, and also the Government should come forward to take the initiative by showing the way in which it can be affected in the *khas mahal* lands, and for the other tracts, by legislation, if necessary. It is admitted that this is a very complicated question. If it is a complicated question, then the appointment of a committee is all the more necessary. Although Government are fully alive to the question and directed a special inquiry, and a report was submitted, yet the question was arrested because Mr. Blackwood could not come to a definite proposal, and did not agree that there was a necessity, and that legislation was the proper method of dealing with it. I am not asking for an official enquiry, I simply ask that a committee should be appointed. My suggestion is that the district officers may also do the needful if they form themselves into a committee. The District Board is not the proper authority because they have not got the funds. In the village unions some difficulties will arise as to where they should get funds. There should be co-operation between the people, the zamindars and the Government, and that question can only be dealt with in a committee. That committee could consider the question of ways and means and they could formulate proposals how the question could be approached. I am not satisfied with the reply that has been given, and I earnestly request that Your Excellency's Government should take up the question and find out means as to how this could be done. Two things are very urgently required; the breeding question and the maintenance question. As regards the breeding question, I have shown already that in former times the State maintained bulls and supplied them free of charge. Brahmini bulls served the purpose to a certain extent, but that is also discouraged now. I think that breeding farms should be started, and Mr. Blackwood stated that farms should be established and fodder crops raised and people trained. But, I want to know in what way all this can be done. If these things are necessary, I think it must be worked out by a committee who will consider the question in all its

*Resolutions.**Babu K. M. Chaudhuri.*

different aspects and they should submit to Government whether any legislation is necessary, and then Your Excellency's Government will be in a position to consider what steps should be taken in the matter and whether funds should be raised by co-operative movement or whether by imposition of rates on interested persons and zamindars. So I earnestly appeal that my resolution should be accepted.

A division was then taken with the following result :—

*Ayes 11.**Noes 25.*

The Hon'ble Babu Siv Narayan Mukharji.
 " " Sir Doba Prasad Sarbadhikari, Kt.,
 C.I.E.
 " " Rai Debender Chuader Ghosh Bahadur.
 " " Rai Radha Charan Pal Bahadur.
 " " Mr. F. W. Carter, C.I.E., C.B.E.
 " " Mr. W. E. Crum, C.B.E.
 " " Mr. G. A. Bayley.
 " " Mr. M. Ashraf Ali Khan Chaudhuri.
 " " Khair Sahib Aman Ali.
 " " Babu Akhil Chandra Datta.
 " " Babu Kishori Mohan Chaudhuri.

The Hon'ble Sir Henry Wheeler, K.C.I.E., C.S.I.
 " " Mr. J. G. Cumming, C.S.I., C.I.E.
 " " The Maharajadhiraja Bahadur of
 Burdwan.
 " " Mr. J. H. Kerr, C.S.I., C.I.E.
 " " Mr. C. J. Stevenson-Moore, C.V.O.
 " " Major-General W. H. B. Robinson,
 C.B., I.M.S.
 " " Mr. J. Donald, C.I.E.
 " " Mr. L. S. S. O'Malley, C.I.E.
 " " Mr. H. P. Duval.
 " " Mr. M. C. McAlpin.
 " " Mr. F. A. A. Cowley.
 " " Mr. C. H. Bompas, C.S.I.
 " " Mr. W. C. Wordsworth.
 " " Mr. C. F. Payne.
 " " Mr. S. G. Hart.
 " " Rai Priya Nath Mukharji Bahadur,
 I.S.O.
 " " Sir Rajendra Nath Mookherjee, K.C.I.E.
 " " Sir Nilratan Sarkar, Kt.
 " " Mr. J. Mackenzie, O.B.E.
 " " Mr. W. H. H. Arden-Wood, C.I.E.
 " " Mr. Aminur Rahman.
 " " Raja Hrishikesh Laha, C.I.E.
 " " Mr. Provash Chunder Mitter, C.I.E.
 " " Kumar Shih Shekhareswar Ray.
 " " Babu Surendra Nath Ray.

The Hon'ble Rai Sri Nath Ray Bahadur abstained from voting.

The following members were absent :—

The Hon'ble the Nawab Bahadur of Murshidabad.
 " " Babu Brojendra Kishor Ray Chaudhuri.
 " " Mr. Arun Chandra Singha.
 " " Mr. H. R. A. Irwin, C.I.E.
 " " Dr. Abdulla-al-Mamun Suhrawardy.
 " " Maulvi Abul Kasem.
 " " Maulvi A. K. Fazl-ul-Haq.
 " " Babu Bhabendra Chandra Ray.
 " " Mr. Altaf Ali.
 " " Rai Mahendra Chandra Mitra Bahadur.
 " " Babu Mahendra Nath Ray, C.I.E.
 " " Mr. K. B. Dutt.
 " " Babu Ambika Charan Mazumdar.

The ayes being 11 and the noes 25, the motion was lost.

LIST OF BUSINESS—ITEM No. 11.

The Hon'ble BABU KISHORI MOHAN CHAUDHURI moved the following resolution :—

This Council recommends to the Governor in Council that a committee, consisting of officials and non-officials, be appointed to inquire and report as

*Resolutions.**Babul K. M. Chaudhuri.*

to the best means of causing the district administration in the future to be more in touch with the public opinion of the district, especially noticing if, and on what lines, advisory committees formed of representative public men of the district should be constituted.

He said :—

“ My Lord, as at present constituted the district administration is a detached administration by the district officers in which the people of the district have but little voice. The official tours of the district officers and their presence at district board meetings have little effect in securing co-operation between the Government and the real leaders of the people. Practically, they rarely meet and meet for any public purposes. In these days when the necessity for the co-operation of the public with the Government is so much felt and recognised, this co-operation should not, to my mind, be left to the discretion of the district officer, but should be placed on a sure basis by the creation of a permanent institution in the nature of an advisory committee or such other body, which will by constant exchange of views and joint deliberations have a real and effective bearing on the civil administration of the district in all its important branches affecting materially the well-being of the people. Such an attempt, I understand, is being made in the excise department. That this is necessary was hinted at by the Decentralisation Commission Report long ago, and also by other Government reports. So far as I know, circulars were issued by the Government of India for promoting better understanding between the district officers and the people. Government officers have been given to understand that manifestations of grave defects of temper and repeated loss of self-control should be regarded as constituting inefficiency. But I am not quite sure if these circulars produced the desired effect. I therefore want a committee for the purpose of devising means as to how this co-operation can best be secured. If the creation of advisory committees is advised by such a committee it will also be for them to recommend what shape this advisory committee should take, what functions it should exercise and what will be its constitution. By this resolution I simply want that the district officers should be in constant touch with the leaders of public opinion in the district, so that the administration may be more sympathetically based upon co-operation. In that case the peculiar wants of the district will always be before the officers, who will also in their turn find it very easy to accomplish their tasks with the co-operation of the leaders. And I am sure that such a step will remove much misunderstanding and many mistakes which, admittedly, to our great regret, often take place under the present system. Further, this will also help to train the people up in civil administration so as to make them ready to exercise greater powers in future such as are foreshadowed in the Reform Scheme.

The gods, it is natural, my Lord, may be jealous of their powers, but if the angle of vision has changed, and sympathy rather than autocratic power is to be the keynote of the Government of the country in future, the place where it ought to begin is perhaps the district, and so that the coming reforms in the Central and Provincial Governments may be real, they ought to be preceded by a reform in the district administration.

It will perhaps be not quite out of place to quote here a passage from the Report on Constitutional Reforms by His Excellency the Viceroy and the Secretary of State for India. At page 162 of their report they say: ‘ It is perhaps not easy for the successful and unimaginative Englishman to realise what the rule of another race must mean to patriotic minds and the great obligation that lies upon him to treat with all possible consideration those whom he has hitherto ruled and whom he is now admitting to a share in the task of ruling.’

*Resolutions.**Sir Henry Wheeler.*

What I feel is that the district officer ought in future to make the leaders of the district his colleagues rather than subordinates and I am fully confident that such a step is sure to place on a surer and firmer basis the British government in India. Such a step is rendered all the more necessary by the fact that Europeans and not Indians are generally placed in charge of districts.

With these remarks I beg to move this resolution, and I earnestly appeal to Your Excellency that it may be accepted."

The Hon'ble SIR HENRY WHEELER said :—

"My Lord, it is somewhat difficult to deal with this resolution on the speech which the Hon'ble Member has just delivered, because he has told us very little of the practical means which he would like us to adopt. He has enunciated some laudable sentiments about the conditions which should govern the relations between District Officers and the people, and with them I have no quarrel. But, after all, the resolution proposes definite action towards the appointment of a committee, and I should certainly like to have heard more what changes he wants, what precisely their character is to be, and what advantages exactly he thinks he would secure by adopting them. The resolution, as it stands, desires that an enquiry should devise means for causing the district administration of the future to be more in touch with the public opinion of the district. That is a very praiseworthy object, and it is an object which it is certainly the desire of Government to see fulfilled. We want to ensure that the actions of Government are based upon accurate information of the facts and conditions existing in the districts, and of the opinions of *all* those who are likely to be affected by whatever is done. I have advisedly said *all* those, because the vast majority of the people who are affected by Government action in this country are not ordinarily those whose views find most prominence through the ordinary channels. But I do not agree with the Hon'ble Member when he talks about the administration of the present day as being an absolutely detached administration—with the officials on one side and the people on the other. For one thing it is practically impossible to put a man in charge of the executive work of a district which touches so closely the lives of the people, and for him to be able to discharge his duties (even if he wished to do so) in a state of absolute detachment. We know too that this is not the case. The Collector and his officers probably tour throughout the district more than any other individual can possibly do, coming constantly into contact with the people with whose various cases, criminal, revenue or administrative, they have to deal.

However, turning to the achievement of this laudable object, I think the essential point is how further are we going to attain it, or rather how can we improve upon the existing state of affairs. The only hint which the Hon'ble Mover has given is the old idea of advisory committees for Collectors. He has not even told us on what lines he would like to see them constituted. Apparently, he would leave all that to the committee of enquiry. But the idea of advisory committee for District Officers is not a new one. As the Hon'ble Member himself mentioned, it was prominently brought to the notice of the Decentralization Commission, a body of which I happened to be the Secretary; and I therefore heard an enormous amount of evidence on this point throughout the length and breadth of India, not only from the standpoint of Bengal but from that of other provinces. The Hon'ble Member has rather hinted that the Decentralisation Commission favoured the idea of such advisory committees. The facts are, however, that (the late Mr. R. C. Dutt dissenting) the Commission arrived at the following conclusion :—

'We also agree with those witnesses who spoke against a separate advisory council for the Collector. We consider that the District Boards.

*Resolutions.**Sir Henry Wheeler.*

which include leading officials of the district as well as representative non-officials, afford a convenient instrument for furnishing advice to the Collector upon matters which, although not included in their administrative sphere, affect the district generally, or important portions of its area or people. We understand that some Collectors do already make use of their district boards in this way; but we should like this practice extended. Consultation with the district board should not, of course, in any way preclude or diminish the Collector's private consultation with influential non-officials. Given these conditions, we see no object in calling a separate advisory council into existence; while we regard it as impossible, in present circumstances, that the Collector should share his executive responsibilities with such a body.'

That was the finding of a fairly powerful body which made a widespread enquiry into the matter, and of whom, I may say, two members started by being rather predisposed to the idea of advisory committees, but were subsequently convinced of their impracticability. But not only is that a previous authoritative finding on the point, but the whole matter was discussed in a debate in the Imperial Legislative Council in this very Chamber on the 26th February 1912, when the late Mr. Gokhale put the case for such committees with considerable force, and the Hon'ble Sir Reginald Craddock, who was then Home Member, answered him in a very able and convincing manner, demonstrating the difficulties in the way. That debate really summed up most of the arguments that are relevant. So, we have already these two findings, and I do not think the Council will be well advised, on the vague considerations which the Hon'ble Member has put before us, in again pulling this rather aged horse out of the stable and giving it another run round the course. The Hon'ble Member has in no sense referred to the various considerations that underlie the idea of advisory committees. At the very threshold, one is confronted with the question—is the committee to be advisory or executive? And when we come to analyse the views of those who favour the idea, it will generally be found that although they talk of an advisory body, they really mean an executive body. If these people are merely to be advisory, they will after a short space of time naturally say: 'What is the use of our coming here if our views carry no weight?' And as far as talking with them goes, it is perfectly open to the Collector, as matters are at present, to discuss affairs with them. Therefore, the idea of a somewhat executive body is foreshadowed, usually in the form that if the Collector cannot carry his advisory committee with him, then he must refer the points of difference to Government for orders. But even underlying such an idea there are various practical difficulties, to say nothing of the enormous delay in the disposal of business and the additional work that would be thrown on the Collector in case of disagreement between him and his council. What would be the position if they are constantly overridden by the Collector, and if the Government agreed with the Collector, as Government would in most cases be likely to do? Clearly, there would be continual cause for friction. But if the idea is to assume the practical form of an executive council for the executive work of the district, I submit there are grave objections. Then again, what sort of committee does the Hon'ble Member advocate? After all, in the debate to which I have already referred, the late Mr. Gokhale at least told the Council what he had in his mind. That was a Council of from 9 to 6 elected and 3 nominated members; and as regards the elected, he said that he would like to see the majority elected by district boards. But election by the district board would be entirely inconsistent with our present ideas regarding primary and secondary electorates, and it would be putting a body chosen for entirely different purposes to deal with business which was no particular concern of the district board. If this is inexpedient, are we to have another election by the direct franchises that are contemplated under the Reforms Scheme, and, if so, what sort of men are likely to be

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chosen? If they are men from headquarters they will not be acquainted with the outlying portions of the district: if they are men from the interior of the district, it will be extraordinarily difficult for them to attend frequent meetings at headquarters. So there are very great practical difficulties whichever way the matter be regarded. Merely to say 'let us give the Collector an advisory committee,' and to support it by excellent arguments about the desirability of co-operation between officials and people, does not really carry us much further.

Let us consider for one moment what exactly is the kind of duties which devolve upon the Collector. There is first of all the main category of consultative work on legislative measures or important administrative acts or changes, on which Government consults the District Officer as to his views, almost invariably with the direction that he, in his turn, should consult the leading men of the district, which he almost invariably does. It cannot be said that in such matters public opinion, whether it be of the district or the province as a whole, is not ascertained. It may be that the ultimate decision of Government is not always in accordance with the views of a certain section of public opinion, but if Hon'ble Members will look at the sort of papers that came before the Select Committee the report of which I presented this morning, they will find that 80 or 90 papers are there enumerated going down even to the opinions of humble individuals. If the Collector consults the leading men of his district, and district boards and municipalities, at any rate their views are on record, and apart from consultation of that kind, we have the important channels of the press and platform and the Legislative Council itself, where the power of asking questions and bringing resolutions will be still further enhanced in the near future under the Reforms Scheme. So, in all this class of District Officer's work, I submit, public opinion makes itself already amply heard. Apart from that we come to what is the primary duty of the District Officer, i.e., his executive work, and by executive work I mean the application of laws, rules and orders to actual facts and conditions. It is not the laying down of policies, in connection with which the utility of a council may very well be argued; that is done for the most part at headquarters and in this Legislative Council; but the executive work proper, as carried out in the districts, is the application of accepted policies to local facts. I may add, incidentally, that not even in the local Government is the bulk of the executive work done in committee. It is only the most important matters that come before the local Government in Executive Council. It is probably known to Hon'ble Members as a matter of historical fact that in the old days of the Government of India all executive details used to be brought before the Government sitting as a body: but the system absolutely broke down with the development of administration, and I think it was abandoned about Lord Lawrence's time.

Taking then the executive work to which I have referred, what is the kind of executive work in which the public opinion of the district is most interested? It is surely the executive work which comes before existing local bodies, such as the making of bridges, repairs of roads, improvement of communications generally, deepening of water-ways, planting of trees, opening of hospitals and schools, etc. All these are matters which are already largely in the hands of local bodies. In all such executive work the District Officer has in some cases the assistance of the district board, while in other cases he stands entirely aloof, these being entrusted to municipalities of which he is not even a member. With the steady improvement effected by the adoption of our policy of appointing non-official chairmen of district and local boards (in municipalities chairmen, as it is, are mostly non-official), these matters will more and more pass into the hands of the people themselves, and an additional advisory committee would be entirely out of place in connection with them: and if we had an advisory committee of 9 members,

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mainly elected by the district board, as advocated by the late Mr. Gokhale, surely the position would become rather absurd.

Apart from this, and turning to the other executive duties which the District Magistrate has to perform, I may briefly run through a few of the major heads. The first is Magisterial work which cannot obviously be done by an advisory committee, and over which control is exercised through definite channels of appeal and revision. Next, there is the control of police. The actual administration of the district police tends to pass more and more into the hands of the Superintendent of Police, as far as matters of departmental detail are concerned, and I can conceive of nothing more disastrous if in such matters references had to be made to a committee before action could be taken. In regard to jails, we know already that the District Magistrate is assisted by public opinion represented by jail visitors.

On the Revenue side, in a province like Bengal where estates are permanently settled, the actual settlement of land revenue, a point on which the late Mr. Gokhale laid great stress, is of comparatively minor importance, and where it arises in temporarily settled areas it is essentially a matter for detailed enquiry by expert officers in the villages themselves. Apart from that, with our permanently settled revenue, what are the Collector's duties? The Collector has to manage the actual collection of revenue, the conduct of revenue sales, the maintenance of the tauzi ledgers and the land-registration registers, so that the names of the landholders are accurately entered, and matters of that description. I see no place for an advisory committee in all these, while the cadastral survey is based on local enquiry in the villages dealt with, and the public opinion which the Hon'ble Member wishes to be heard is that of the villagers who gather round the assistant settlement officer and represent their cases under the village tree.

Taking other branches of a Collector's work such as excise, the Hon'ble Member has himself admitted that we already have advisory committees which are consulted. Local option as regards the location of liquor shops, for instance, is the option of the locality concerned not of a central district committee. As regards Income-tax, I can scarcely believe the Hon'ble Member would like this Council of 9 to advise as to assessments but public opinion is heard locally by the assessors on whose reports the final assessments are largely based. Registration is a matter of applying rules and orders to an existing administrative system; while turning to things like co-operative credit, we again have public opinion represented in the local societies. In regard to agriculture we have again district boards who assist largely, and in connection with executive work as a whole, in the ordinary sense of the term, I submit that the place for an advisory committee is very small.

If, apart from the broad consultative functions of the Collector and the executive duties to which I have referred, it is argued that it will be nice to give the Collector some people to whom he can talk at regular intervals, I would prefer that we should continue the present system by which he is accessible to all men, talking freely with them and telling them what he has got to say, and hearing what they have got to say, not only at the district headquarters but throughout the district in the course of his periodical tours. That is the real way in which, I submit, the efficiency of district administration can best be maintained, and it is the wish of Government that the Collector should continue this practice in an extended degree.

So much on the merits of the resolution. As to the inopportuneness of this enquiry at the present time there can be little question. To take a minor objection, we are strained in all directions for men at the moment,

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and even when we get men back from the war, we shall be drained of others going on leave which has in many cases been long delayed, and we shall not be able to spare officers to enquire into this ancient topic. Secondly, is it an opportune moment to seek to effect this very considerable change in our present system of district administration when we have under discussion a much wider scheme of reform in the higher branches of Government, the precise details of which are yet to be known and to be applied? Whatever may be the outcome of the Reforms Proposals, they obviously will effect large changes in the present system of our administration. Surely, it is wiser to see the effect of these reforms before attempting to make, even within a smaller sphere, an equally revolutionary departure in so far as the present lines of district administration are concerned.

For these reasons, Sir, I would deprecate the adoption of this resolution."

The Hon'ble BABU KISHORI MOHAN CHAUDHURI said :—

"My Lord, I regret that I have been misunderstood. It is not my intention that the executive work should be supervised by local committees. My object is simply to ensure that the District Officers should be in touch with the real leaders of the district, and that they should consult them now and then on matters affecting the interest of the people themselves. I have been told that district boards serve the purpose to a great extent. I think I have some knowledge of the working of district boards as I was for some time on the board in my district, for some time as a member and for some time as vice-chairman, and I know that only those people who have influence with the voters are returned to the district board. The real persons who can advise or render real assistance in the administration of the district are not returned.

I am told that District Officers do their best to ascertain the opinion of the public, by issuing letters and by inviting opinions on important questions. Of course, in some cases it is done, but in the majority of cases the information is not derived from actual contact with the leaders of the people. Whatever information is derived, is derived in official tours practically from the police department, and from the people who come to meet the District Officer on business, but there is really very little opportunity of getting information from the public. As for instance the co-operative movement; and how that movement should be spread. There are also matters of excise policy; local committees are only now being consulted. Some committees have been formed in the districts to advise the excise department regarding the location of shops and also in other respects. As in this department, so in other departments, not really executive in their nature, but which affect the interests of the community, much can be done with the co-operation of the people. With that object in view I brought forward this resolution, but as I see there is opposition I do not like to press it, and pray that I may be allowed to withdraw it."

The resolution was then, by leave of the President, withdrawn.

LIST OF BUSINESS—ITEM No. 12.

The Hon'ble KUMAR SHIB SHEKHARESWAR RAY moved the following resolution :—

This Council recommends to the Governor in Council that a Committee, consisting of officials and non-officials, be appointed to examine the working of the current land laws of Bengal, with instructions to submit their recommendations to the Government with regard to such changes in them as they

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consider would be beneficial to the various landed interests in Bengal, without unduly encroaching upon their existing rights and privileges.

He said :—

“ My Lord, personally, I would have very much liked to move this resolution and see it accepted by the Government because I sincerely believe that the present land laws of Bengal have entirely failed to effect a happy and harmonious solution of the difficulties between landlord and tenant, but, my Lord, I am advised by some of my friends to wait for some time more, and I cannot but listen to their advice, and though it is against my will, I beg permission of Your Excellency to withdraw the resolution.”

The resolution was then, by leave of the President, withdrawn.

LIST OF BUSINESS—ITEM No. 13.

The Hon'ble KUMAR SHIB SHEKHARESWAR RAY also moved the following resolution :—

This Council recommends to the Governor in Council that provision be made in the next year's Budget for the delivery of religious lectures, at regular intervals, in the prisons of Bengal.

He said :—

“ My Lord, this resolution does not require any lengthy speech in its support. It is now a recognised principle all over the world that the jails should be a place of correction and reclamation, and with this end in view, great care is being taken, in all civilised countries, for the moral advancement of the inmates of the prisons. In the great prisons of Sing Sing and Auburn in America and Dartmoor and Chatham in England, much has been done in this direction. Religious services and lectures are regularly held there, and ministers and chaplains have been employed who do their level best to reclaim the prisoners. Throughout his term of imprisonment, the prisoner has the benefit of religious and moral instructions, and whatever be his colour or creed, his spiritual welfare is watched over by competent men specially selected for the purpose. From the records kept there, it has been proved beyond doubt that most of the convicts come out of the jails better men. My Lord, in connection with this resolution while going through some books of reference I was struck with the noble and great achievements of philanthropic workers like Howard and Mrs. Fry and great administrators like Sir George Grey and Sir Riggles Brise. In India we have not yet got a Howard or a Mrs. Fry to take up the cause of the unfortunate prisoners, still, my Lord, in comparison with prisons in other countries, the system followed in our jails here is much superior in many respects. This is no doubt a matter of congratulation to our authorities, but one thing which invariably strikes one going through the Indian Prison Reports, is that very little, if any, attention is paid to the moral and spiritual side of an Indian prisoner's life. Two chaplains no doubt are employed at the Alipore Jail for Christians, but no other step has been taken anywhere else, in respect of prisoners professing other faiths. This is really deplorable. Indians are a God-fearing and religious people, and I daresay much could be achieved if due regard is paid to the reclamation of Indian prisoners by means of religious lectures and moral instructions. I do not know what stands in the way of making a start in this direction. If it is a question of money, I do not at all propose that the Government should undertake any huge expenditure on this account immediately, what I want is that

*Resolutions.**Mr. Kerr.*

the Government should recognise the principle of employing religious preachers for the spiritual and moral benefit of Indian prisoners. We might make a beginning with the Presidency and Central Jails. There are four Central and one Presidency Jail and the number of prisoners in them is about 7,000. They are mostly either Hindus or Muhammadans, and so, for the present, one Hindu and one Muhammadan preacher might be engaged for each of the above. Suitable men could be found on Rs. 75 to Rs. 100 per month. Thus ten preachers would cost the Government about ten to twelve thousand rupees a year. But considering the good that will be done, I hope that the Government will be pleased to find this sum. Before I conclude I express my sincerest appreciation of the action taken by the Muhammadan community in this matter. An honorary Muhammadan preacher has kindly undertaken to give religious lectures in the Alipore Jail. This is certainly a move in the right direction and an example which should be followed by the Hindus too. I am also indebted for the idea of this resolution to another gentleman of the same community, I mean the Hon'ble Dr. Suhrawardy who referred to this subject in his last Budget speech and put some interesting questions on it. I hope the Government will accept my resolution."

The Hon'ble Mr. KERR said :—

"My Lord, the fundamental difficulty of this question lies in the fact that it raises the whole problem of Government's attitude towards religion in this country, the problem which is known elsewhere as the problem of Church and State. That problem is difficult enough in most countries. In India it is beset with such peculiar difficulties that at any rate for some centuries past the Government has thought it best to leave it alone. It will be generally admitted that it would be a bad policy for Government to provide religious instruction for the public in general in this country. For obvious reasons, it would be bad policy for the present Government. I might go further and say that it would be bad policy for any conceivable Government that is likely to be set up in our time. As many members of this Council are aware, even the subsidiary problem of giving moral instruction apart from religious instruction to schoolboys in schools, is beset with grave difficulties and has given rise to very wide differences of opinion. Even if it be argued that Government has responsibilities towards prisoners in jails similar to those which it has towards schoolboys in schools, I would remind the Council that the school problem is by no means solved, and the jail problem has difficulties of its own, different in kind perhaps, but not less in degree.

The proposal contained in the resolution is that provision should be made in the Budget for the delivery of religious lectures at regular intervals in the prisons of Bengal. It is contemplated, therefore, that the preachers or lecturers should be paid. Now this is a proposal which, owing to the diversity of religious creeds in this country, might entail very large financial obligations. These might be faced, if the results were sure to be satisfactory, but is there any guarantee that this would be the case? In the first place, where are we to get the preachers from? Among the Muhammadans there are, of course, devout men whose work in life is the definite preaching and teaching of the Islamic religion, and the same remark applies to the Christian religion. But I think I am right in saying that in the ordinary rural Hindu society from which the bulk of the prisoners in jails come, there is no systematic provision or organisation for religious instruction or education in the homes of the people. That being so, what sort of men could we expect to get to undertake religious instruction in jails? The multiplicity of creeds and the diversity of religious usages which are to be found among the prisoners in jails as among the outside population would make it very difficult to find an instructor who would be acceptable to any considerable number of prisoners. A further objection to paying men for work of this kind is that

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there would be a serious danger that the profession of jail preacher would be taken up by men who were attracted by the salary and not by pure devotion or by any religious fervour. Such men would do more harm than good. That this is not an imaginary danger is shown by experience in England a century or rather more ago. The works of contemporary novelists depict the jail preachers as the most despicable and disreputable among their characters.

These being the general difficulties surrounding the case, it is not surprising that the Government of Bengal have found it necessary to adopt a cautious attitude in regard to proposals of this kind which have come upon recent years. They have come chiefly from Muhammadans among whom, for the reasons already explained, the conditions and prospects are most favourable. The position which has been taken up by Government is that it welcomes any practicable measure which is likely to lead to the reformation of prisoners in jails and is ready to give every reasonable facility to responsible persons who are willing to undertake religious or moral teaching in jails, but it is necessary if only as a guarantee of good faith that such work should be honorary or met by private persons and Government would not be justified in defraying the expense at the cost of the State or in instituting a State-paid staff of preachers. Some advance has been made on these lines. In 1915, a celebrated itinerant Muhammadan preacher was given general authority to preach to Muhammadan prisoners in the jails of Bengal, subject to arrangements approved by the Inspector-General of Prisons. The Inspector-General has also been authorised to give facilities to other responsible persons to provide religious and moral instruction for prisoners in jails, and it is understood that a Muhammadan preacher preaches regularly to Muhammadan prisoners at the Alipore Central Jail on festival days. A few Hindu gentlemen are giving valuable assistance in the way of giving moral lectures and instruction to the boys in the Juvenile Jail. The Inspector-General would welcome further voluntary help of this kind in all classes of jails.

There is a further reason for not making any new departure in this matter at the present time. As the Council are aware the Government of India have announced that after the war a Commission is to be appointed to examine the whole question of jail administration in India. One of the main duties of this Commission will be to examine the application to Indian conditions of those reformatory aspects of prison administration which have made a considerable advance in western countries in recent years. One of the questions which the Commission will no doubt take up will be this question of moral or religious teaching in jails. They will be able to formulate a consistent line of policy for the country as a whole, and it may be that their wider experience and the wider information which will be at their disposal will enable them to show us a way of surmounting some of the difficulties which I have mentioned. Pending the result of the Commission's enquiries it would be dangerous to allow ourselves to be led astray by the analogies mentioned by the Hon'ble Member.

That then, my Lord, is the present position. For the reasons I have stated Government do not think it wise to institute a new departure in this matter at the present time. They will welcome any suitable efforts on the part of private persons for the moral and religious improvement of prisoners in jails, but Government are not prepared at present to accept such work as a legitimate charge on State funds. For these reasons, Government are unable to accept the resolution."

The Hon'ble KUMAR SHIB SHEKHARESWAR RAY said :—

"My Lord, I am grateful for the sympathetic assurances of the Hon'ble Mr. Kerr, but I am afraid I cannot see eye to eye with him in all that he has said. I do not think that the Government can be said to be interfering with

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the different religious faiths in India if it engages, with the consent of the people, a few instructors in jails, who would watch over the moral side of a prisoner's life. Government makes contributions to *tols* and *muktab*s and acquires lands for burning ghats and burial grounds; nobody takes any objection to that. So I do not think there would be any objection by the people if the Government engaged a few religious instructors in jails. Nor do I think that there will be any dearth of suitable men. I should therefore think that my resolution should be accepted by the Council."

The resolution was then put and lost.

LIST OF BUSINESS—ITEM No. 14.

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR moved the following resolution :—

This Council recommends to the Governor in Council that Government do take steps to minimise the suffering of the agriculturists in the villages within the jurisdiction of thanas Amta and Uluberia, etc., in the district of Howrah, and to give effect to the Amta drainage project recommended by Colonel Haig in 1873 by providing sufficient money in the Budget for the year 1919-20.

He said :—

"My Lord, I do not wish to speak at any length on the merits of this resolution. This subject was a matter of consideration in this Council on the 19th December 1917, and the Hon'ble Mr. Cumming then informed the Council that a scheme as modified was ready; the solution of that question was also arrived at by him. Now it is a matter for consideration whether some money ought to be provided in the budget or not. This, I submit, is the object of my resolution, and I do hope and trust that my resolution will be accepted."

The Hon'ble MR. CUMMING said :—

"Your Excellency, this resolution is to the effect that money should be spent out of next year's budget on this particular project. This is really a budget resolution; and the Hon'ble Member has adopted the somewhat doubtful expedient of bringing before the Council a budget resolution in the form of a resolution on a matter of general public interest. He has thereby avoided the necessity of showing how the expenditure is to be met. As he has stated, the matter was discussed in December 1917 in this Council when it was explained that plans had been prepared and that the scheme was awaiting the allotment of funds. May I shortly recapitulate the position? He has referred to the general project drawn up by Colonel Haig in 1873. That scheme comprised three projects, of which one was finished in 1884, another in 1890 and the third is the present scheme. It was also stated at that meeting of the Council that the main obstacle to the completion of this scheme was the want of agreement amongst the zamindars. At first Government endeavoured to execute the project under the Drainage Act; Government next turned to the Embankment Act; finally as no further progress was apparent under that Act, in November last, the District Board was addressed as to whether they were prepared to carry the project through under the Sanitary Drainage Act. In December last, about a month ago, the District Board of Howrah said that they were prepared to do so, but asked that Government should help them by giving the grant of a loan. In the budget for the ensuing year Government have already included one lakh as a loan to the District Board, and another lakh which they are prepared to make

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as a Government contribution, and in the present month of January, Government have already appointed an engineer to perform the work. I therefore think, Sir, that the Hon'ble Member will realise that the proposal in his resolution has been anticipated by Government; if all goes well, a beginning ought to be made in the ensuing year, and in the subsequent year the scheme may be completed. I therefore ask him to reconsider the desirability of pressing his resolution."

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR said :—

"My Lord, I am grateful to the Hon'ble Mr. Cumming for the observations that he has made. That my resolution was anticipated by Government is a matter of gratitude to me. My object in bringing this resolution to the notice of the Government was simply that the work may be facilitated."

The PRESIDENT said :—

"Does the Hon'ble Member wish to withdraw his resolution?"

The Hon'ble Member having expressed his desire, the resolution was then, by leave of the President, withdrawn.

LIST OF BUSINESS—ITEM No. 15.

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR also moved the following resolution :—

This Council recommends to the Governor in Council that a commission be appointed to record—

- (a) the opinions of all orthodox Hindus (excepting those in Government employment and those under obligation to the managers of mills, factories and workshops) whose religious feelings are being wounded on account of the pollution of their sacred river—the Bhagirathi; and
- (b) the evidence of those Indians whose health has been affected by the use of contaminated water from the same river.

He said :—

"My Lord, the Bhagirathi is regarded by the Hindus as a sacred river and she is worshipped as a goddess on the Dasahara day, which is specially set apart annually on the tenth day of the bright half of the Hindu month of *Jaishtha* corresponding to the latter part of May or the earlier part of June. For fuller information of the European Members of Your Excellency's Council, as to the sanctity of this river and the reverence in which the Bhagirathi is held by all sections of the Hindu community of India, I would refer them to study the District Gazetteers of Howrah, Hooghly, Burdwan, Murshidabad, Nadia and the 24-Parganas published by the Government of Bengal and the valuable works of researches made by the learned scholars of India, Great Britain and other countries of Europe, Asia and America, specially the well-known series entitled 'Sacred Books of the East' edited by Professor Max Müller. The Hindu festival, called the Dasahara, is observed by the Hindus in honour of the goddess Ganga or Bhagirathi, and this day is declared as a public holiday by the Government of Bengal and also by the mercantile community including the Bank authorities under the Negotiable Instruments Act.

I do not wish to take up much time of the Council, and feel inclined now to discuss the matter why and how the religious feelings of the Hindus are being

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wounded by the pollution of the sacred water of the Bhagirathi by a very large number of mills, excepting two, from which millions of gallons of septic tank effluents are discharged daily into the sacred Bhagirathi. It will take several days to discuss the matter at length, if I quote passages from our various Sacred Books, viz., the Vedas, the Institutes of Manu, Vishnu and others, the Purans, the Ramayan, the Mahabharat and a large number of other Sāstras.

The public and the press including the *Amrita Bazar Patrika* and the *Bengalee* and prominent vernacular weeklies, viz., the *Basumati*, the *Hitabadi* and the *Bangabasi*, and the vernacular dailies, viz., the *Nayak* and the *Bangalee* have been strongly objecting to the pernicious practice of discharging the effluents of the septic tank latrines into the sacred Bhagirathi. The last two named papers, viz., the *Nayak* and the *Bangalee* have published two leading articles under the head of 'Ganges Water' in their town issues of the 19th September, and 26th September 1918, respectively, and I strongly commend these two articles for the kind perusal by the responsible members of Your Excellency's Government. The *Nayak* even goes so far as to say under bold heading types in columns 1st and 2nd of page 3 in its town issue of the 19th September referred to above, that by drinking Ganges water near Calcutta, people are made to eat the liquified excreta of the coolies of the mills. My Lord, the religious feelings of the Hindus are being as a matter of fact wounded by the discharge of the effluents of the septic tanks into the sacred Bhagirathi, and there is a growing uneasiness and discontent among all sections of the Hindu community. I learn from the District Gazetteer of Howrah (page 4, paragraph 2), edited by my esteemed friend the Hon'ble Mr. O'Malley, that the river Bhagirathi is also held sacred among Buddhists and we find that Warren Hastings gave the Tāshi Lāmā of Tibet some land at Ghosery in answer to his request that he might have "some lands on the banks of the Ganges to which he might send his people to pray." The monastery erected on this land may still be seen at Bhot-bāgān.

I quote the following lines from the Proclamation by Her Most Gracious Majesty the Queen in Council to the Princes, Chiefs and people of India in 1858: 'We do strictly charge and enjoin all those who may be in authority under us that they abstain from all interference with the religious belief or worship of any of our subjects on pain of our highest displeasure and we will that generally, in framing and administering the law, due regard be paid to the ancient rights, usages, and customs of India.'

The following lines from the Imperial message to Princes and peoples of India read by His Excellency the Viceroy in Durbar at Jodhpur on the 2nd November 1908, 'If errors have occurred, the agents of my Government have spared no pains and no self-sacrifice to correct them; if abuses have been proved, vigorous hands have laboured to apply a remedy.

'The law itself has been administered without disrespect to creed or caste, or to usages and ideas rooted in your civilisations; it has been simplified in form, and its machinery adjusted to the requirements of ancient communities slowly entering a new world.

'Important classes among you, representing ideas that have been fostered and encouraged by British rule, claim equality in citizenship, and greater share in legislation and Government. The politic satisfaction of such a claim will strengthen, not impair, existing authority and power. Administration will be all the more efficient if the officers who conduct it have greater opportunities of regular contact with those whom it affects.

'May Divine protection and favour strengthen the wisdom and mutual good-will that are needed for the achievement of a task as glorious as was

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ever committed to rulers and subjects in any State or Empire of recorded time.

(*Vide* Appendices A and B, pages 244 to 246 of the Oxford Student's History of India by Vincent A. Smith, M.A., I.C.S., retired. 4th edition, Oxford, 1918.)

Will Your Excellency's Government kindly explain to the Hindu communities why their religious feelings are being persistently wounded and their religious beliefs disrespected? It is not a wise and prudent policy on the part of the Government to state that 'Government are not responsible for remedying defects in private installations.' Why does the Sanitary Commissioner, on behalf of Government, grant sanction to the construction of septic tank latrines? Why have the Bengal Factories Rules, 1912, been framed in open defiance of Royal Proclamations referred to above?

The religious aspects of the question of allowing the managers of the jute mills to discharge the effluents of the septic tank latrines into the sacred Bhagirathi was not fully discussed by the committee appointed by the Government of Bengal in April 1904. The views expressed by Babu Jogesh Chandra Sastri were not strictly in accordance with the sacred injunctions of the Hindu Sāstras and his statements were not verified by the learned Mahamahopadhyas Pundits of Bengal and other parts of India. On the contrary the valuable opinions of the learned Pundits, which were based upon the correct interpretations of the Hindu Sāstras, were utterly ignored by the said committee and the Government has been misled in this connection. According to the instructions contained in the sacred Koran of the Mussalmans, the water of the river, lakes, etc., should not be contaminated. What would be the feelings of the pious Christian ladies and gentlemen, if the sacred water of the Jordan is polluted by millions of gallons of effluents from the septic tank latrines? Here I must not forget to offer our heartfelt gratitude on behalf of the Hindu communities of India to Messrs. Augus Jute Company, a leading American firm in Calcutta, and Messrs. Kettlewell Bullen and Company, a prominent British firm in Calcutta, for not discharging the effluents of the septic tanks into the sacred Bhagirathi. The actions of these two Companies are just in obedience to the pious wish expressed by our beloved King-Emperor on the eve of 'Their Majesties' departure from Calcutta on the 8th January 1912, in the following memorable words in reply to Farewell Address by the members of the Bengal Legislative Council on behalf of the people of Bengal :—

'In bidding you farewell, the Queen-Empress and I fervently pray that all my subjects in Bengal, of whatever race or creed, united by the ties of sympathy and brotherly love, may, under Divine guidance, ever strive towards the advancement of their common happiness, contentment and general well-being.'

The Hon'ble Sir John Woodroffe, Kt., M.A., B.C.L., of the High Court, Calcutta, in his address at the Sun Rise Club said : 'Religion of power is the most vital necessity in India's struggle for self-realisation.' In his note in reply to a question issued by the University Commission of 1917-18, the Hon'ble Justice Woodroffe remarked :—'It is not necessary to enquire into the questions of the respective superiority of the civilisation of East and West. It is sufficient to hold that Indian civilisation is the best for the people whose forefathers have evolved it. Let us stop all attempts, direct or indirect, whether political or religious, to impose our beliefs and practices on a people to whom they are foreign.'

Revival of Hinduism will not hamper the growth of the commercial prosperity of Bengal or India.

*Resolutions.**Babu S. N. Mukharji.*

With these words I commend this resolution to Your Excellency's Council, and I hope and trust that it will be accepted by Your Excellency's Government and the standing grievance of the Hindu community will be at an end in the near future."

The Hon'ble BABU SIV NARAYAN MUKHARJI said:—

"My Lord, at the September meeting of this Council I took it upon myself to support a motion brought forward by the Hon'ble Rai Mahendra Chandra Mitra Bahadur, dealing with the pollution of the waters of the Ganges by means of the effluents from the several mills situate on its banks. Although at that time the Hon'ble mover of the resolution dealt principally with the sanitary aspect of the question, Hindu as I am, I could not resist the temptation of giving it my whole-hearted support by looking at the matter from a religious view-point—by, in fact, investing the academic character of the controversy with the authority of old-world beliefs sanctified by time and handed down by tradition. The Hon'ble mover, though schooled in the art of making the worse appear the better cause, did not succeed in pressing home his charge, and the blow aimed at a system acknowledged on all hands as the veritable cause of the pollution of the river was so ingeniously parried as to strike the dealer himself by a curious process of rebound. The armour forged with the aid of official steel having thus successfully withstood the charge the Hon'ble mover has changed his tactics and has taken up his coign of vantage, inviolable because sacrosanct, behind the ramparts of conventional religion. Representing as I do, if not the blindly orthodox, at least the advanced, sections of the Hindu community, it is not without some diffidence that I venture to embark on the stormy sea of controversy and join issue on a point which is synchronous with the dawn of civilization and, for that matter, bears on it the impress of man's primeval gropings after the supernatural.

My Lord, I am afraid I shall be tiring the patience of this Council if I were to quote chapter and verse from recognised authorities to show that worship, which is another name for the outburst of the feeling of adoration, owed its origin first to a feeling of wonder and then to a sense of gratefulness. We find in the hymns of the Rig Veda:

'Accept, O Ganga, Yamuna, Saraswati, etc., my praise'.

Not content simply with singing hymns to these rivers our Aryan ancestors bestowed on each of them the epithet of mother.

Writes Max Muller:

'The rivers are called mothers! Why not? Do they not feed the meadows and the cattle on them? Does not our very life depend on the rivers not failing us with their water at the proper season?'

That at the back of what is wrongly termed fetishism there was, ever since the birth of intelligence, something higher, nobler and subtler, the recognition of which amounted to the genesis of the first crude theory of Pantheism—a theory which afterwards reached its culmination in the Vedanta philosophy—is more than borne out by the testimony of Christian Missionaries before whom a present-day Sonthal, when interrogated, declared that the *Chando* (Sun) who had created the world was not the visible *Chando* he saw but the invisible one behind it. This was the case with the primitive races all the world over, the Egyptians, the Greeks, the Romans and the rest. The ancients, according to Prodicus, considered sun, moon, rivers and springs, and, in general, all that are useful to us, as gods, as the Egyptians the Nile. Bread was worshipped as Demeter, wine as Dionysos, water as Poseidon, fire as Hephestos.

*Resolutions.**Babu S. N. Mukherji.*

Herodotus in speaking of the Persians says that they sacrificed to the sun, the moon, the earth, fire, water, etc. 'We contemplate with awe', writes Seneca, in one of his letters, 'the heads and sources of the greater rivers. We erect altars to a rivulet which suddenly and vigorously breaks forth from the dark. We worship the springs of hot water, and certain lakes are sacred to us on account of their darkness and unfathomable depth.' This, therefore, is a common trait in the infancy of nations—a trait which, because it is present at one time or other in the life of nations, does not detract from the position they may afterwards hold in the scale of nations. But, for a people remarkable for subtlety of intellect, depth of penetration into the mysteries of life and death, and metaphysical comprehension in general, to have continued to hold views upon which their ancestors in the far-away past had built their faith may savour of contradiction in terms. 'But,' says Schopenhauer, 'religion is truth allegorically and mythically expressed, and thereby made possible and digestible to mankind at large. For mankind could by no means digest it pure and unadulterated, just as we cannot live in pure oxygen, but require an addition of the of nitrogen.' 'If we want to know,' writes Max Müller, 'what the ancients thought when they spoke of a river the answer is they thought of it exactly what they called it, and they called it, as we know, in different ways, either the runner (*sarī*) or the noisy (*nadi*).' This identification of the dynamical life of the universe with God was part of their theory of the Cosmos, part of their philosophical system. '*Ekam sat vipra bahudā vadanti*'—there is but one, though the poets call it by many names.

I have already gone too far afield, and have called to my aid the authority of antiquarians, oriental scholars, and philosophers to prove that our Aryan ancestors paid homage to the Ganges. We find in the Greek historians, Strabo and the rest, mention of the Ganges as the river that was worshipped by the Hindus. In place of their one self-abnegating stoic of a Diogenes, they found thousands of Gymnosophists capable of seeing through the veil of mysticism, and finding out that it was not stones and trees, as Macaulay mistakenly declared, but the noumenon behind the phenomenon to which the Hindus bent their knee and paid religious homage. Lest I should raise a smile in the Hon'ble Members by my advocacy of the cause of what goes by the name of superstition I would take the liberty to quote a well-known passage in proof of the cultural heights attained by our ancestors:

'Faults this nation may have, but God forbid we should pass judgment upon people who framed their laws and institutions prior to our insect origin of yesterday. With all the faults of their nature, and errors of their institutions, their institutions, which act so powerfully on their natures, have two material characteristics which entitle them to respect; first great force and stability; and next, excellent moral and civil effects.'

What evokes our admiration and excites our wonder is that while experimental science was not yet even dreamt of the Ganges should of all rivers have been awarded its meed of praise as the 'most potent purifier in the world.' This supreme quality of the river it was that procured for it the place of honour in the estimation of the far-sighted *rishis* of old. A well-known American traveller has recorded his experience about the germ-killing properties of the Ganges:—

'Mr. Hankin, the Scientist in the employ of the Government at Agra, concluded to examine the water. He went to Benares to make his tests. He got water at the mouths of the sewers where they empty into the river at the bathing ghats; a cubic centimetre of it contained millions of cholera germs; at the end of six hours they were all dead.'

*Resolutions.**Rai S. N. Ray Bahadur.*

This is one of the many instances of the Hindu sages of old having dived into the secrets of Nature unaided by the most powerful scientific instruments of observation. So great was the reputation of the ancient Hindu sages, not only for their powers of introspection, their visions beatific, but for their keen-eyed insight into the kernel of material objects—tangible, semi-tangible, and intangible—that their words had the weight of gospel truths. But, my Lord, this supreme attribute of the Ganges, so potent as a germ-killer under normal conditions, has begun to disappear under the enormous strain of millions of tons of septic tank effluents that find their way into it day out day in. We, who happen to live in the country, and are in daily touch with the masses, and know their feelings, are in a position to assure Your Excellency that if it were not for the fact that they are a long-suffering people, ready even to accept what they consider outrages on their religion as inevitable, the common people and the women-folk who are never tired but are often only too glad to travel miles on foot from the interior, in summer and in winter, to have a bath in the river, would have made bold, if it were possible, to come all the way to this city of palaces, and with folded hands implore Your Excellency to save their mother Ganges from desecration. In laying it down that nothing can pollute the waters of the Ganges the authors of the Hindu religious books did not contemplate the existence of septic tanks and all that they signify. They did, however, forecast that a time would come when the river would lose its sanctity. While, therefore, I know that in supporting the cause of the people and, for that matter, of their religious feelings, I shall be leading a forlorn hope, I feel all the more a call to give the motion of my hon'ble colleague my whole-hearted support, in the hope that having regard to the modest nature of the recommendation which this Council has been asked to make, our appeal will not fail to strike a sympathetic chord in the minds of the hon'ble members."

The Hon'ble RAI SRI NATH RAY BAHADUR said :—

"My Lord, I am sorry I am unable to support the resolution moved by my hon'ble friend, as it deals with the question from the standpoint of Hindu orthodoxy. On the ground of principle religion should not be mixed up with civic questions as far as possible. The pollution of the waters of the Bhagirathi is an important sanitary question and should be looked at from that point of view alone. No advantage will be gained by importing in the discussion the aspect of religion. There is positive danger in the attempt in a mixed assembly like the Bengal Legislative Council. It has become a practice to appeal to the religious feelings of the people in matters from which religion may fairly be kept out. The cry of 'religion in danger' is nowadays heard in season and out of season, and that harmless permissive measure, I mean Mr. Patel's bill, which aims purely at widening the bounds of social freedom, is attacked from this point. In Benares, the holiest of the holy cities of the Hindus on the Ganges, a good deal of the pollution of the river water has been going on from a long time, but no one ever objected to the same on the ground of religion, though from a purely sanitary point it should be stopped. Besides, in looking at the question from the religious standpoint, there is risk of the sanitary aspect being disregarded, for what is pollution in this sacred sense may not be insanitary at all and it is not possible now, if it ever was, to prevent this sort of pollution.

My hon'ble colleague wants to have the opinion of the orthodox Hindus on the subject, but orthodoxy has become a very cheap material nowadays. It is in the lips of many though it is seldom found lower down. No useful purpose will be served in encouraging a cant.

But I hope I shall not be misunderstood. I yield to none in my anxiety to protect the Bhagirathi from being insanitary. I would welcome any

*Resolutions.**The Maharajadhiraja Bahadur of Burdwan.*

committee to investigate the point. There is positive danger to the purity of the river from the outflow of the septic tanks belonging to the jute mills. It is desirable that the Government should institute an enquiry into the matter as soon as possible."

The Hon'ble the MAHARAJADHIRAJA BAHADUR OF BURDWAN said :—

"Sir, this is the third resolution on the subject of the pollution of the Bhagirathi which the hon'ble mover has brought forward within the last four months. In September of last year he dealt with the question of the septic tank installations along the banks of the river. In reply, whilst Government could not accept the resolution, they agreed to amend the rules in such a way as to make it clear that the inspection of these installations was one of the prescribed and prime duties of the Inspector of Septic Tanks. Then in November we had the resolution moved by the same hon'ble gentleman about the pollution of the water by trade waste and refuse. Here again Government, whilst opposing the resolution, undertook to institute a full enquiry into the sources of pollution, the extent of pollution and the measures necessary to prevent and mitigate the evils.

The hon'ble mover has now broken new ground. His suggestion, which perhaps he considers to be a very humble one, is that a Commission should go about taking the evidence of persons living along the banks of the river asking them in the first place how they are and, secondly, whether they think that the river has been so polluted as to hurt their religious feelings. Before I express an opinion on the extraordinary request which this resolution conveys, I wish to point out that, in the first place, the enquiry which the Government undertook to institute in November last would cover this question to a certain extent so far as the finding out of the sources of pollution and the extent of it are concerned. For one of the specific points which such an enquiry will deal with would be the hygienic effects of the different kinds of contamination now going on.

Turning now to the question as to whether such a Commission, as proposed by the hon'ble mover, would serve any useful purpose or not. I must confess that it is strange to me that the futility of such a proposal did not strike the hon'ble mover. Is such a Commission to be composed of Doctors? If not, who are to decide whether the health of the people concerned had been affected by the drinking of the water of the Hooghly, or by other causes? Then again is mere record of evidence to be the guiding principle? If so, what will such evidence be worth! For all that a large number of the people affected could say would be that they were ill at a certain time and that they thought that the water was bad. Surely such evidence would not be worth the paper it was written on; and it is hard to imagine a greater waste of time for a body of Doctors than to be walking up and down the banks of the Bhagirathi from Calcutta to Lalgola recording evidence of such a kind from a vast heterogeneous population, especially when it is known to be a well established fact that a large number of these people suffer from many diseases which have nothing to do with the pollution of the river water.

Now let me turn once again to the first part of the resolution. I cannot help thinking that the proposal instead of serving any useful purpose may in fact do more harm than good. Government are well aware of the general feelings of Hindus about the sanctity of the Bhagirathi, and I may say that the Government went into the religious point of view too some years ago and have already got the authorities of the Pundits who are versed in the Shastras and who are undoubtedly the best authorities on the subject. The Select Committee which was appointed to enquire into the working of septic tank installations in 1904 examined several pandits, such as Jogesh Chandra

*Resolutions.**The Maharajadhiraja Bahadur of Burdwan.*

Shastri, Satish Chandra Vidyabhushan, Kali Prasanna Bhattacharji, Mahamahopadhaya Rajkrishna Tarkapanchanan and Rajani Kanta Vidyaratna as well as other orthodox Hindu gentlemen. Two of these, I admit, were Government servants, and the hon'ble mover would therefore rule out any opinion they might have given, but the rest were not Government servants. Their evidence was published in a supplement to the *Calcutta Gazette* in January 1905, which any one who wishes may read it; any one who does will find that the pandits were not altogether agreed as to the possibility of pollution of the sacred water of the Bhagirathi. In view of these facts and in view of the well established fact that the sanctity of the Ganges is based more on spiritual grounds than mundane and which to an orthodox Hindu like the learned Rai Bahadur must also be apparent, it is most surprising to me that the hon'ble mover by bringing in this resolution proposes to deal with the sanctity of the Ganges in such an unorthodox manner.

Ever since creation sillage of every kind has flown into the river Ganges from its source at Hardwar down to its mouth in the Sunderbans and will continue to do so even if India were to make great strides in the near future in matters of hygiene and sanitation, for it is no easy thing—nay impracticable—to expect the hundreds and thousands of villagers living on the river banks and where there are no possibilities of septic tanks even to resist the temptation of going to the river for their ablutions after their morning operations on its banks or in the meadows near by; and I hope therefore that the hon'ble mover will not come forward perhaps with another of his happy suggestions that we should have a standing army of stalwart up-countrymen to prosecute these invaders on the holiness of the Ganges, for he must be well aware that if we were to do this we would require a second army to simultaneously prevent the men of the first army from going into the river for the very purpose for which they had been appointed to check. I would therefore strongly urge the Hon'ble Member not to base the sanctity of the Bhagirathi on such frivolous grounds, especially when pollutions of a much more dangerous character do take place where there are no septic tanks.

On behalf therefore of Government I am bound to oppose the resolution as being not only unnecessary but as one which is likely to rouse the religious susceptibilities of a large number of ignorant people which might possibly cause an unhealthy and mischievous agitation.

The whole question of septic tank installations has been thrashed out. After the report of the 1904 Commission was received Government obtained the services of an expert Sanitary Engineer, Dr. Gilbert Fowler, who dealt with the question exhaustively in his report. As a result of this an Inspector of Septic Tanks was appointed, and Government approved the principal recommendations of Dr. Fowler as to the construction and maintenance of septic tank latrines, and issued instructions to secure their proper working. It was in fact decided that, subject to proper safeguards and due provision for the purification of the effluents, there was no objection to septic tank latrines. Rules under the Factories Act have also been issued, because it is recognised that special precautions are necessary where there is a large labour force gathered together. If you are not to have a septic tank system, what substitute can you have? Does the hon'ble mover propose that a body of quarter million persons should be allowed to indulge in open-air defecation, which in the areas where there are no septic tanks is a grave source of contamination? Apart from this I would remind the hon'ble mover that on his last resolution an undertaking was given to make a special inquiry as to the extent of pollution, all the different sources of pollution, trade waste, trade refuse, defecation on the river bank, etc., their hygienic effects and the legislation necessary to prevent pollution. Such an inquiry would only be prejudiced

*Resolutions.**Rai M. C. Mitra Bahadur.*

by the appointment of a roving Commission recording evidence about people's religious feelings and bodily health, and on this account too Government must oppose the motion."

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR said :—

"My Lord, I have listened to the speech of the Hon'ble the Maharajadhiraja Bahadur of Burdwan, but I must say that it is a very disappointing one. His arguments have not convinced me that I am in the wrong box. The object of my moving this resolution is that an inquiry should be made. That is what I humbly suggested to the Council. My Lord, when representatives of the people come before the Council to move resolutions they do not do it on their own responsibility. Moved as I was by the orthodox Hindus of the locality where many thousands of Hindus and orthodox Brahmins live, I thought it necessary that I should represent the matter to the Council and also to Your Excellency. There cannot be any doubt as to the sanctity of the river Bagirathi and if the water of that river is contaminated, as I have represented to Your Excellency's Government, then it becomes a serious question after all. If I have moved the Council on two or three different occasions, I thought it necessary that it should be done and that it should be brought to the notice of Your Excellency's Government. As far as it is known, there are 38 mills in this locality, in the lower part of Bengal, and if the wastage and effluents from septic tank latrines of these mills are thrown into the river, then in whatever way my resolution is viewed, I submit most humbly that it does wound the religious feelings of the Hindus. If an inquiry is made by a committee and if evidence is recorded, I am quite sure that there would be one united voice of learned pundits and orthodox Hindus that such an act is inconsistent with the religious ideas and hurts the sentiments of the orthodox Hindus. In that view of the matter, as a representative of the Hindu subjects under Your Excellency's charge, I do repeat to the best of my ability and with all the emphasis at my command that the present pernicious practice of discharging the effluents from septic tank latrines into the sacred Bagirathi does attack Hindu sentiment and Hindu religious ideas. The reason of my putting before the Council various books of authority was simply to satisfy the Council that the river is polluted and Hindu religious sentiment is attacked. I am perfectly aware that in 1904 there was an inquiry made, but that inquiry was a provisional one; the opinions of a few pundits were recorded and the result was an unsatisfactory one. It is said by the Hon'ble Member in charge that it is no use recording evidence at all. But I say that it is the only thing necessary for the Council and for Your Excellency's Government to ascertain the real facts of the case. If I alone represent the matter, it may be considered as an *ex parte* one, but if I am supported by evidence of those upon whom the inquiring officers can rely it will be a great help to Government in coming to a satisfactory conclusion. Evidences ought not to be disregarded in the way that the Hon'ble Member in charge has done. I solicit Your Excellency's Council to consider for one moment that the object of the inquiry is to ascertain facts, to sift facts, and if these facts are brought about by evidence, then it will be a very satisfactory thing. But how such an inquiry ought to be held is a matter for Your Excellency's Government to consider. It was said on the last occasion that an inquiry was to be made. Now, I submit, what was the reason for such an inquiry? That an inquiry should be necessary is an argument entirely in my favour. And if an inquiry is to be made, it should not be partial and private but comprehensive and public one. That is the object of my moving this resolution before the Council. It will appear that as regards the contamination of the water of the Bhagirathi there cannot be any doubt whatever. Your Excellency's Sanitary Commissioner has declared on various occasions

*Resolutions.**Khan Sahib Aman Ali.*

that the water of this river is contaminated. Indeed, his good sense so much prevailed that he circularised the local officers saying that the water of the Bhagirathi should not be used by the people who live in the locality. If the river water was not contaminated, then, what was the necessity of issuing such a circular? This shows that the river water is contaminated, and if that is so, then on sanitary grounds at least I have a very strong case before the Council. If the question is considered upon sanitary grounds, then I stand upon a higher plane and I suggest that a public inquiry should be made. I again invite the attention of the Council that it is against the policy of the Government to hurt the religious sentiment of the people, and I believe there is not a Hindu who would disagree with me when I say that the sanctity of the Bhagirathi should be respected. When a comprehensive inquiry is made on the subject then the Government will be in a position to question why it is that I have brought the resolution for the consideration of the Council to-day. My Lord, it is not my intention to take Your Excellency's time unnecessarily. But I submit that I have faithfully represented the views of the Hindu community in this matter and if I have done so, no one ought to complain against me."

The motion was then put and lost.

LIST OF BUSINESS—ITEM No. 16.

The Hon'ble KHAN SAHIB AMAN ALI moved the following resolution:—

This Council recommends to the Governor in Council that all practitioners who passed from non-recognised medical institutions be allowed to appear in the final licentiate examination of the State Medical Faculty to be held in May, 1919, along with the candidates who were plucked in one or two subjects in the said examination held in November, 1916.

He said:—

"My Lord, the resolution which stands in my name is a very simple one. The Hon'ble Sir Henry Wheeler in the September meeting of the Council told us that no one could be registered as a qualified doctor unless he passed the prescribed examination. My resolution is to get permission for passing the prescribed examination, which seems in no way to interfere with the desire of the Government. The Hon'ble Member also said that students who hold certificates from un-recognised schools are quacks, but I respectfully differ from him, and put in the figures of the results of examination with which I have been supplied by the Secretary of the State Medical Faculty, Bengal. These figures prove that the students who have passed during the concession period are greater in number than those from the Government schools, so it may not be said that unauthorised schools were producing quacks instead of doctors.

My Lord, the certificate-holders from the unauthorised schools are a great boon to the country and they have served heretofore in several mills, gardens and companies, but now they are removed from those bodies as their certificates, according to law, carry no weight with the Government. In this way their profession has greatly suffered, though the Hon'ble Sir Henry Wheeler had said in his speech in September that their profession is not affected in any other way, except in this, that they cannot represent themselves (to be what they are not). This means that they are not recognised as doctors under the Act, though they have been practising for many years.

My Lord, when their certificates are not recognised by Government, why did mill-owners, farmers and Government servants call them for

*Resolutions.**Sir Nilratan Sarkar.*

their services, and if for good reputation they are called, the patient shall have to take shelter of recognised doctors for certificates. This is another hardship for the patient, if they again go to the recognised doctors, why should they grant certificates when they did not treat them. This being the state of things it cannot be said that unauthorised doctors' profession has not suffered.

My Lord, I have not got the number of the candidates who got permission to appear in the prescribed examination during the concession period. I believe their number to be a large one, and they for some reason or another could not appear in the examination; if we add to that number those who could not get timely notice being residents of villages far distant from Calcutta, the number will be still greater. It is for the benefit of students who got permission, but could not appear in the examination, and those who could not get notice, being residents of distant villages, I am placing the resolution before Your Excellency's Government for consideration.

My Lord, this House is well aware that we are badly in want of good doctors. If the permission prayed herein is accorded, it will give us a considerable number of recognised doctors and remove the wants under which we are labouring.

My Lord, various epidemics, such as influenza, war fever, cholera and malaria are ravaging the province, and Your Excellency's Government are very anxious for the lives of the people, and the number of qualified doctors being small Your Excellency's Government could not meet the requisite wants in different places. If the resolution I have the honour to move be accepted, it will help in a great measure to allay the anxiety Your Excellency's Government is feeling now.

My Lord, the passed students from unauthorised schools are many and in the last examination during the concession period they have proved that they are not quacks; if the concession asked for in my resolution be accepted, the number of qualified doctors will increase in large numbers. It may be asked why they did not take advantage of the time conceded to them. My answer to that is, that they are residents of villages where the light of notice does not go and they were in the dark; secondly, the concession was allowed on very short notice.

My Lord, supposing that they are guilty of lapses, Your Excellency's Government might overlook the same in consideration that the numbers of sufferers are not small, and that on the other hand, the public will derive great benefit by these doctors by being treated by them when they will pass.

My Lord, this House is fully aware of the needs of qualified doctors throughout the province. My resolution is an attempt for the production of such doctors. Such being the state of things I place my resolution before the merciful consideration of Government and of this House."

The Hon'ble Sir NILRATAN SARKAR said :—

"My Lord, I confess that I find it extremely difficult to realise the scope of the phrase 'non-recognised medical institutions' in the resolution. The term implies a large number of medical institutions, some defunct, other existing, some of them teaching homeopathic medicines, some of them teaching kabiraji medicine, some other again teaching in low standards the rational system of western medicine, and there may be some teaching the Unani system of medicine. I do not understand whether it is suggested that the State Medical Faculty should provide for conducting examinations in all these different branches of medicine and pseudo-medicine. Then, my Lord, if it is contemplated that these schools teaching the approved western system of

*Resolutions.**Sir Henry Wheeler.*

medicine, then arises the question of standard. The State Medical Faculty combining their efforts with those of the Council of Medical Registration have helped in the creation of order out of chaos in medical practice and medical profession, and it would be a pity if their efforts are frustrated in this way. My Lord, to seek for a hall-mark for dross instead of gold, is not to do good to anybody, but to do a world of harm to a large section of the people, for after all, it is they who suffer, some in money, many more in health, and not a small number in life. On these grounds, I think it my duty to oppose the resolution which will have the effect of whittling down whatever standard there is in our medical qualifications."

The Hon'ble Sir HENRY WHEELER said :—

"My Lord, I must apologise for, after so short an interval, taking up the time of the Council a second time on the subject of Medical Legislation in Bengal, but for the cause of it, I am not responsible.

As the Council are aware we discussed the matter on two occasions last year, once in January 1918 and again in September. On the first occasion Mr. Donald, who replied on behalf of the local Government, pointed out to the Council that the path of concession was a slippery path, and I submit that all that has since happened amply bears out the truth of that statement. Because such and such a concession was made in one direction, we are now pressed for concessions in other directions, and if we accepted the different proposals that have been put before us from time to time, we should give away entirely the whole object for which these Acts were passed. On the occasion of the last debate I explained what these Acts were, and I do not wish to repeat what I then said, except to remind the Council that there is the Act of 1914, which set up a machinery for the registration of recognised practitioners and an authority for their supervision, while examinations were shortly afterwards instituted under the auspices of the Faculty. The second Act—the Medical Degrees Act—prohibits unauthorised people using colourable imitations of recognised degrees, and penalises the use or grant of them. That is, in outline, the policy of these two Acts, and with special reference to the subject of concessions, it is well to remember that we started with concessions. There was the first concession—and I refer to it in order to make it clear to the Council that the Act has been administered in a reasonably generous way—of the transitory clause, which originally was meant to enable existing practitioners to go up within a period of two years for the Faculty examinations, and if they could pass, to get registered. That was the scope of it as intended by the Government of India. The Government of Lord Carmichael extended that concession to students of unrecognised schools who passed out prior to the 16th March 1916, thus giving a second concession which, in effect, went further than the Government of India meant to go. But the two years then allowed did not cover the full number of examinations which they might be interpreted to have contemplated, and admission to another examination in November 1916 was conceded. In the resolution of January 1918, two requests were made, first that certain students of the Belgachia College should be allowed to go up for the Faculty examination, and secondly, that those who had failed to pass in one or two subjects at the examination of November 1916 should be allowed another chance of qualifying. For the reasons given by Mr. Donald, we were unable to accept that part of the resolution which had reference to Belgachia, but in order to meet the views of the Council, and to show our reasonableness, we granted a concession not only to the extent of giving a chance of one examination to those who had failed but of giving the chance of four. We have again only recently extended that concession up to the November examination of this year. Nevertheless we were further pressed last September to make registrable the Belgachia qualification, and I then explained why this could not be done. I do not wish to

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go over the same arguments again, although I was not successful in convincing the Council at that time. Now it is asked that all practitioners who passed from non-recognised medical institutions should be allowed to appear in the final licentiate examination of the State Medical Faculty to be held in May 1919, and I have no doubt that if we agreed to that and some of them failed, as most certainly a very large number would fail, we will be asked to hold another examination and so on till we go further down the slippery path of concession.

I am afraid I must again take the Council back to the original intention of this legislation, since it seems to be thought in some quarters that the local Government has no reason for its action except, apparently, an unreasonable desire to prevent certain innocent students from following a legitimate career which otherwise lay open to them. The facts, however, are otherwise. The action which eventually resulted in the Act of 1914, and which originated in this province in the discussions of 1908, was definitely taken at the request of the Syndicate of the Calcutta University, the medical section of the Asiatic Society, the Indian Medical Gazette (which practically voices the opinion of the medical profession), and a memorial signed by 49 leading Indian medical practitioners of Calcutta. It was taken in the interests of medical education, and at the instance of the recognised medical profession. The subsequent action which was recommended was largely influenced by a report of the late Sir Pardey Lukis on the so-called unrecognised schools, and I know of no more able and clear-headed man, and no truer friend of the real interests of medical education in this country, than Sir Pardey Lukis. He enquired into all the facts, and on previous occasions we have been content to mention chiefly that the type of instructions given in these institutions was held to be thoroughly unsatisfactory. Even now I have no wish to rake up ancient history, but on the other hand, I want to show to the Council what the kind of education which we are now asked to recognise really was. Accordingly I will read a few extracts from his report. His first note refers to Belgachia, but as Belgachia is now a recognised school, I will pass that by. Regarding another of these self-constituted medical schools in Calcutta, he wrote, however, as follows:—

‘The founder himself appears to constitute practically the whole staff of this institution; there are no proper arrangements for either practical or clinical teaching; there is no hospital, and very few cases attend the small, outpatient department. Nevertheless it can boast of from 150 to 200 students upon whom it bestows the diploma of V. L. M. S. (Vernacular Licentiate in Medicine and Surgery), which is exactly the same title as that obtained by the pupils of the Government Medical School at Sealdah. Indeed, I am credibly informed that students of the Campbell Medical School, who were expelled after the strike of 1906, entered themselves at once at this institution and obtained their diplomas as V. L. M. S. in the short space of six months.’

I pass on to his remark about another school—

‘The hostel attached to this school has a service of about 30 beds; there are a certain number of class rooms; and dissections are carried on in a haphazard fashion in a tumble-down bungalow.’

‘The fellowship (F. C. P. S.) is only obtainable, after examination, by members of two years’ standing, but the standard of preliminary education for the licentiate class (L. C. P. S.) is very low; all that is required is that the student should have passed the middle English or middle vernacular, or the Government examination for military medical pupils. Moreover candidates are admitted to both the first and second licentiate examinations

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on their merely producing evidence of having attended courses of lectures at "a school of medicine recognised by the college." It is very easy, therefore, for failed students from other institutions to obtain their diplomas; as examinations are held quarterly, the amount of time spent in attaining their object is, to say the least of it, not excessive.

'I know of at least one instance in which this happened. In 1905, two second-year military students were expelled from the Medical College for "ragging." They found shelter in this institution, and in the space of one year blossomed forth as duly qualified men with the license of L. C. P. S.

'This enterprising college has recently made a distinctly novel departure, and is now advertising the fact that for the convenience of gentlemen working in Government, mercantile and other offices, and desiring to undergo a thorough and complete training in medicine, the committee have decided to start evening classes, and that lectures will be delivered in all subjects from 6 to 8 p.m. daily.'

Coming to a third institution, he remarked as follows:—

'This has an accommodation for six in-patients: the beds however were rarely occupied, as patients were obliged to provide their own food. On first starting there were 150 students on the rolls, and by 1907 the number had increased to 300. . . . The number of beds was later increased to 16, . . . but for the reason given above, the sixteen beds have hitherto remained practically unoccupied, and the only opportunities for clinical instruction are afforded by the out-patient department where there is a daily average attendance of about 50 patients. A few class-rooms are provided, but there is no dissecting room, museum or library, and the teaching is entirely theoretical, being illustrated merely by diagrams.

'This institution, notwithstanding its many disadvantages, advertises itself as "aiming at imparting a sound knowledge of the healing art principally on Allopathic lines, and at investigating into truths underlying that art."

'It grants the three titles of L. C. P. S., M. C. P. S., and F. C. P. S., and announces that the M. C. P. S. is *equivalent to the M. B.*'

Finally, with reference to a fourth institution, he said:—

'Notwithstanding the fact that there are at present practically no teaching appliances or facilities of any kind, this college advertises that instruction is given in various abstruse subjects, such as balneology and electro-therapeutics, that are taught nowhere else in India. . . .

Not being satisfied merely with the L. C. P. S., M. C. P. S. and F. C. P. S. of the other Colleges, . . . it announces that in addition to all these it is prepared to confer the diploma of L. M. S. (Nat.), which is a colorable imitation of that which is issued to its licentiates by the University of Calcutta, and with reference to which the Syndicate has already made representations to Government. Moreover, although this college has not yet been in existence for twelve months, a considerable number of diplomas have already been granted, and were distributed at the recent "Foundation Day" celebration. It is obvious that the successful candidates cannot possibly have completed their training in this short space of time; they must, therefore, have been recruited from amongst the failed or rusticated students of other colleges.'

I apologise for the length of these extracts, but they seem to me to give a vivid picture, in the words of an able administrator now deceased, of what the position was regarding which he made proposals at that time. If we are now to accept this resolution and allow students who have passed out from institutions of that character to appear at the Faculty Examination.

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I submit that we shall absolutely discard all that has been previously done by our predecessors with ample justification. If, again, we are to allow these students to go up for the examination, what is to prevent similar institutions springing up and students coming forward and saying 'Oh, let us too go up for the examination.' The Hon'ble Mover justifies his proposal by saying 'I am merely asking for permission for these students to appear at an examination; the country wants doctors, and that is why I ask for this.' But I put it to the Council whether a sound system of medical education has any real value at all. If medical education is merely a matter of passing examinations, then let us do away with our rules and regulations and merely hold examinations twice a year, and on the result grant licenses to kill or cure.

I would refer here to a minor point. If we are to accept this resolution, the students of the Belgachia College in its unregenerate days will be allowed to go up for the examination, although this is not a privilege enjoyed by its students now that great improvements have been effected in it. To say the least, this would be somewhat illogical.

The final point I would submit to the Council for consideration is that the Faculty created under the Act of 1914, has attempted to get its membership recognised at Home, and if successful, this will eminently be to the benefit of those who pass its examination. They have not yet succeeded in doing so, as the English authorities apparently have not sufficient confidence in the standards that are taught here. One other province, I am told, is trying to raise its standard to get over that difficulty. But if here anything is done which is calculated to prejudice even our existing standard, it will certainly be known at Home; and we shall be told that if we are going to allow anybody and everybody to go up for the examination, it is impossible to afford it recognition.

For all these reasons, I can only take up the position which I took in September 1918, and advise this Council not to accept this resolution."

The Hon'ble KHAN SAHIB AMAN ALI said:—

"My Lord, on the face of the opposition which has come from Government I would only say that the students of unrecognised schools, such as the College of Physicians and Surgeons of India and the National Medical College, who went up for the last examination produced a very good result. The students for whom I am pleading will not appear at the Faculty Examination if they do not think themselves qualified. I am asking for an extension of time as Government have already given time, but the thing is that the students who pass from unrecognised colleges have also read the same standard as those who have been plucked in the examination of 1916. My resolution does not ask for further time and in that view I place my resolution for the consideration of this Council."

The resolution was then put and lost.

LIST OF BUSINESS—ITEM No. 17.

The Hon'ble BABU AKHIL CHANDRA DATTA moved the following resolution:—

This Council recommends to the Governor in Council that all *détenus* interned in Bengal under the Defence of India (Criminal Law Amendment) Act, 1915, be now set at liberty.

*Resolutions.**Babu A. C. Datta.*

He said :—

"My Lord, much has been said and written in and outside this Council chamber on this question of internment. Much has been said on behalf of the Government and much more on behalf of the people.

The Government had made many attempts to explain their position to the people and to satisfy them that the policy of internment was forced upon them and was justified by the course of events. On the other hand, it has been throughout insisted by, and on behalf of, the people that young men have been interned without much discrimination, and that amongst the interned there are many who do not deserve the punishment. But it must be confessed that the Government has so far failed to convince the people, and the people also feel that they have so far failed to convince the Government. Their views and versions are still poles asunder. The controversy has sometimes been bitter and acrimonious. The utterances made on behalf of the Government have not infrequently been mortifying to the people. On the contrary, the agitation of the people and their representatives very often irritated the Government. I am prepared to confess that in the course of this controversy we sometimes employed language which in all conscience was strong. But at the same time it must be said that our language was strong because we felt strongly in the matter. What is language but a medium of expression of what we feel? Whatever may be said on behalf of the Government as to the merits of the controversy, there is one thing which must be admitted, viz., that the feeling of the people was and is very keen on the question and that they honestly believe that many have been interned who should not have been interned. When the feeling is so keen and so widespread, it is the duty of the people's representatives to make it known to the Government. That is a duty which we owe as much to the Government as to the people. I do maintain. My Lord, that as non-official elected members of the Council we should be guilty of dereliction of a sacred duty if we sleep over the matter and do not invite Your Excellency's attention in this official manner. I have always thought that we are a connecting link between the Government on one side and the people on other—a conduit pipe for communicating the wishes and thoughts of the country to Your Excellency's Government. That is the view that I have always taken of our position in this Council. In fact I feel that otherwise we have no right, we have no business to be here—otherwise there is absolutely no justification for our occupation of seats in this gilded chamber. That being my conception of our duty and position here, I thought I would not be true to the people whom I have the proud privilege of representing here—I thought I would not be loyal—really and genuinely loyal—for there is enough of hypocritical loyalty in this country—I thought I would not be loyal to the Government if I had not told Your Excellency what is just at the present moment the feeling of the people on the question of internment, now that the war is over. That, My Lord, is my justification for bringing up a matter which I know is positively distasteful in certain quarters.

Only three weeks ago the feelings and wishes of the people of the entire Indian continent have been crystallised in resolutions passed by the Indian National Congress and the All-India Moslem League urging general amnesty to all political prisoners. The whole country is absolutely of one mind over this matter. There are now various shades of political opinion in this country. Some are called Moderates, some Extremists. There are also such expressions as Moderate Extremists and Extremist Moderates. We have now got another school of thought who have styled themselves Progressive Nationalist Moderates. There is however one matter in which they all agree. They all insist that the internees should now be set at liberty. If public opinion must count at all in the Councils of the Government, the recommendation which my resolution seeks to make cannot

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be summarily brushed aside. In making this resolution I know and I feel I have at my back the united voice of the united nation.

My Lord, it has been urged that Mr. Justice Chandervarker and Mr. Justice Beachcroft justified the action of the Government in all but six out of eight hundred and six cases of internment. But the method adopted was hardly satisfactory and cannot be said to be in consonance with British idea and British ideal of finding out truth. The evidence was *ex parte*. It was not sifted and tested by cross-examination. These learned Judges had no more materials before them than those which the Government had to go upon. Our complaint has always been that it was the system of enquiry which was defective and which led to indiscriminate detention. Even if an angel were brought down from heaven and asked to work under such limitations no better result could have been obtained. The result is this enquiry has not succeeded in bringing about a change in the feeling and attitude of the people.

But the question arises has the verdict of these two eminent Judges been accepted by the Government? I venture to answer this question in the negative. I say that like the people the Government has also not accepted their conclusion that injustice was done only in a few cases. For, has not the Government released many internees after and in spite of their report? Has not the Government set at liberty many who were, according to the verdict of the two Judges, rightly interned? Are we to believe that they were released if the Government still thought they were guilty as they were found to be guilty by the two learned Judges.

We are grateful, My Lord, that some people have now been released. We congratulate Your Excellency's Government that justice has now been done to them. The whole country went on bended knees and begged for their release. But their prayer was not heeded at the time. Can it be contended for one moment that the Government still believes that the people now released were and are guilty? It must now be admitted that at all events with respect to the internees now released the people were right and the information upon which the Government proceeded was wrong. Belated justice however is better than denial of justice, and I take this opportunity of expressing the gratefulness of our people for setting at liberty many of our young men. While thanking the Government I feel constrained to say that release in dribblets has failed to evoke that enthusiasm which a bolder policy would assuredly have produced. My Lord, this resolution is an invitation to Your Excellency's Government to take courage in both hands and to complete in one stroke what seems to be proposed to be done piecemeal. It seems to me, however, that where conciliation is to be the policy, it should be whole-hearted, worthy of the great Government of this great country. It seems to me that nothing should be done to leave a rankling sore in the minds of those to whom kindness is shown. Nothing should be done which is calculated to blight their future prospect. It seems to me that home domicile or conditional release with the inevitable Criminal Investigation Department to dog their steps and to make their lives miserable entirely lacks in the virtues of whole-hearted conciliation. I can assure Your Excellency that a more courageous policy will go far in rallying the people to co-operation with the Government at a time when it is most needful.

And after all what are these *detenus*—a mere handful of misguided youths before the Irish rebels? Look, My Lord, to the latter's boldness of conception, boldness of plans and boldness of execution, and compare them with the revolutionaries of Bengal. Even if their guilt be assumed, they would seem as mere toy revolutionaries before the Irish rebels. And yet the British Government set the latter free after a few months of detention. If that was a good policy in relation to a people living so near the theatre of the war, there cannot be any earthly reason why the same policy will not be found

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hundred times more efficacious in relation to the revolutionaries or supposed revolutionaries of Bengal. Your Excellency's Government may well take a chapter from Mr. Lloyd George's administration in this respect.

Again the time is opportune for such a course of action which I am now urging. My Lord, if extraordinary times required extraordinary precautions and extraordinary measures in detaining persons on suspicion, such conditions do not now obtain. The war is at an end. The British Empire and the Allies have come out victorious and every subject of His Majesty is jubilant. Allow these people, My Lord, to come out and share in the universal joy. Allow them to come out and see for themselves the triumph of freedom, right and justice over despotism and autocracy.

Then, again, the country is on the eve of far-reaching constitutional reforms which, let us hope, will satisfy the legitimate aspirations of the people. My Lord, allow the ill-fated *detenus* to come out and see for themselves the immense possibilities of nationhood and of larger life. Allow them to come out and realise for themselves that the pledges of August 1917 are bound to be redeemed, and that as an earnest for such redemption, Sir S. P. Sinha has been given a seat in the British Ministry. Repression, My Lord, is altogether a mistaken policy in dealing with a civilised and progressive nation fully conscious of, and thoroughly imbued with, the spirit of the time. I plead, My Lord for conciliation, for conciliation is a sovereign remedy. It can make a foe a friend. I plead for more courage and bolder statesmanship on the part of Your Excellency's Government. I plead for the release of all prisoners still detained under the Defence of India Act. If Your Excellency be pleased to grant a general amnesty to them, I am sure there will be no reason to repent it hereafter. On the contrary I venture to think, and I sincerely believe, that under changed times and in changing conditions, the alleged revolutionaries will be zealous supporters of the Government. With these few words, I beg to move the resolution which stands in my name."

The Hon'ble MR. P. C. MITTER said :—

My Lord, originally I did not intend to take part in the discussion on this resolution but, My Lord, on further consideration I thought that I ought not to record my silent vote against this resolution. I thought, My Lord, that it is a duty which I owed as a representative member of this Council to tell my people through this Council some aspects of the question—aspects which are so often and so persistently ignored by some section of the public. The first point that I would ask that section of the public through the hon'ble member here, who has moved that resolution, to consider is—how is it that these dacoities and murders which were a thing of almost monthly occurrence, if not a thing of weekly occurrence certainly a thing of monthly occurrence, have ceased after vigorous action had been taken under the Defence of India Act. It is a stern fact which the hon'ble member and those who think with him cannot possibly ignore. Does the hon'ble member, and those who think with him, doubt the actual occurrence of the dacoities and murders like the Corporation Street dacoity, the Garden Reach dacoity, the Seth Bagan, the Beliaghata, the Armenian Street and the Shibpur dacoities? I need not mention more, but any one, who has read the reports, appearing even in those newspapers which have sympathy with the thoughts expressed by my hon'ble friend here, must be familiar with the sad tale of dacoities and murders. Do my hon'ble friend and those who think with him doubt the occurrence of murders like that of the late Babu Ashutosh Biswas, the well-known public prosecutor of Alipur? The murder of Babu Basanta Kumar Chatterjee, the Deputy Superintendent of Police, who was ruthlessly murdered in broad day light in a public street of Calcutta?"

The Hon'ble BABU AKHIL CHANDRA DATTA—"We do not doubt them."

*Resolutions.**Mr. P. C. Mitter.*

The Hon'ble Mr. P. C. Mitter :—"Well, if these facts are not doubted what is the outstanding position? These murders and dacoities took place and they have ceased as soon as vigorous action was taken under the Defence of India Act. I am not here to deal with the question whether any change of the Defence of India Act is necessary or not because the particular proposition before the House is whether these persons ought to be released or not. If the ordinary laws of the country are not sufficient in dealing with crimes like this, and if the extraordinary powers under the Defence of India Act really stamped out the crimes which were a disgrace to society—crimes which every patriotic Indian ought to feel sorry for—and if the operations of the Defence of India Act have to a great extent stamped out these crimes, then how can any responsible public man suggest to nullify the results of such action and to let society go back to that state of anarchy in which it was before such vigorous actions were taken? I entirely endorse the view put forward by the hon'ble mover that we have a responsibility to our people and to ourselves. I only hope that that responsibility will enable us to see that it is our duty to protect innocent people from being shot down and to see that the man, who by the fruits of his industry has made some money, is not ruthlessly pillaged. It is not a question of amnesty or mercy but it is a question of the necessities of society, and if necessities of society require that certain persons, who are nothing better than a cancer to the body politic, should be treated in a particular way, it is necessary in the interest of the body politic to treat them in that way. I do hope, My Lord, that if we are to realise our responsibilities, if the Reform Scheme is to be a reality for the future well-being of our country, I do hope that gentlemen of the position of the hon'ble mover will try and come up to that standard of responsibility for which I am pleading. I know that the hon'ble mover and I do not see eye to eye on various points and I do not ask the Hon'ble mover to take anything from me, but I also know that the hon'ble mover and those who think with him have great respect for judicial decisions, specially the decisions of the Hon'ble High Court. I have no doubt that if the hon'ble mover sets that standard of responsibility which we have a right to expect of him, he should have, before he urged his motion in this Council, investigated the matter so far as it was possible for him to investigate from materials available to him. The decisions of the law Courts were certainly open to him, and if he had looked to the decision of Mr. Justice Mookerjee in what is known as the Dacca Conspiracy case, he would have found what an amount of harm many persons who are now safely interned and who were particularly connected with this movement, had done to educational institutions in this country. If the hon'ble mover had referred to a report of a certain commission which had investigated into a regrettable incident in the Presidency College, he would have found what an amount of mischief was done even in an institution like the Presidency College by persons for whom he is pleading. As I have said, I have no doubt the hon'ble mover has a great respect for the High Court and for the opinions of Judges like Mr. Justice Mookerjee and Sir Lawrence Jenkins, and if he had referred to some of the judgments written by either of these eminent Judges, he would have found how the solution of many problems, for the solution of which, I have no doubt, he keenly feels, has suffered on account of the activities of the persons for whom he is pleading to-day. I have no doubt he is pleading from a false notion of mercy, but I would expect of him and others who support him to examine the whole question from the point of view of the public as a whole before a motion like this was put forward. If they examined the question from the point of view of the public generally, then false notions of mercy alone would not appeal to them. They would then consider the facts from all points of view. In the judgment of Mr. Justice Mookerjee in the well-known Rajabagan Bomb case my hon'ble friend will find how religion has been perverted and how religious ideas have been

*Resolutions.**Rai D. C. Ghosh Bahadur.*

misused by the persons for whom he is pleading before this Council. My hon'ble friend says that the whole country is with him. I hope, My Lord, that my friend is too optimistic in this matter. If there is apparent noise in some quarters, if there are men who are shouting their loudest, I am certain there are many others who feel equally strongly the other way, and if these men have not spoken out it is because that ordinarily they are not as vocal as others. Will the hon'ble member make some enquiries from the merchants, traders and money-lenders in the rural areas, who had suffered? My Lord, in the interests of that progressive realisation of the ideal for which the Congress has been pleading from 1885 onwards and in the interests of the great pronouncement which was made by the Secretary of State in August 1917, I plead with equal force that it is necessary to irradiate the cancer, that it is necessary to free the body politic of this poisonous growth, and in order to do so, it is necessary to apply the Surgeons' knife. I, therefore, say, My Lord, with all the emphasis at my command that a resolution like this should never be accepted, but, My Lord, at the same time I must say that I feel a great deal of sympathy for some of these youths—sympathy I have none with many who are nothing but unmitigated criminals—but there are those who have been led on by persons who ought to have known better, led on by platform orators who did not know what their speeches would lead to, led on by irresponsible journalists who did not know what dishonest journalism meant; and may I in connection with this last point draw my hon'ble friend's attention to the decision of Sir Lawrence Jenkins in the Alipur Bomb case? He will find there how an innocent young man, typical of many like him, living in the interior of the country, perhaps in the very district from which my hon'ble friend comes, was misled by the reading of *Jugantar*. After the minds of these unfortunate young men receive a certain turn by speeches and writings such as these, what happens? The unmitigated criminals come forward and warily enmeshes these unfortunate young men in the criminal revolutionary movement. For these young men I feel the greatest sympathy, but if I feel sympathy I also realise that in their own interest as also in the interest of society they cannot be let off so long as we do not get hostages for their future good behaviour, and if the Government has been releasing these persons by dribbles, it is not because Government is anxious to create effect, but because Government is satisfied that it is safe in the interests of society to release these persons. Therefore, My Lord, I say, with the utmost respect to my hon'ble friend that it is putting the case absolutely from a wrong point of view, to suggest that it is a question of 'striking the imagination of the people.' 'Striking the imagination of the people' may be a very good thing as a newspaper phrase, or as a piece of platform oratory, but for a practical Government the phrase has no place—at any rate in the solution of this particular question. It is absolutely necessary for a practical Government to realise that men who would ruin society, must be kept back from such a purpose."

The Hon'ble RAI DEBENDER CHUNDER GHOSH BAHADUR said :—

"My Lord, the Hon'ble mover asks this Council to recommend to the Government that all *detenus* interned under the Defence of India Act be now set at liberty. Now, the persons who have been imprisoned by Government during the last few years without trial are either under the Defence of India Act or under Regulation III of 1818. All the prisoners to whom reference has been made by my friend, especially the persons whose cases were considered by Sir Narayan Chandravarkar and Mr. Justice Beachcroft, were not arrested and detained under the Defence of India Act of 1915. About 106 persons were detained under Regulation III of 1818, and I think my hon'ble friend's observations with regard to these persons are

*Resolutions.**Sir Henry Wheeler.*

beside the point. He is not concerned in asking this Council to recommend to the Government that the prisoners under Regulation III of 1818, usually called State Prisoners, should be set at liberty. He is concerned with the large number of prisoners of whom a considerable body have been discharged from time to time within the course of the last year, and I think my friend will acknowledge that as regards these State prisoners, about 100 in number, whose cases were considered by the two gentlemen named by him Sir Narayan Chandravarkar and Mr. Justice Beachcroft, are cases which we need not concern ourselves now. As regards the persons who have been detained under the Defence of India Act of 1915, the Government are considering their cases, and we find that from time to time announcements are made in the papers that some persons are being released. All that my hon'ble friend now wants is that without any examination of individual cases all the persons should be discharged. Why this time has been selected for the discharge of all the persons, passes my understanding? I do not mean to suggest that Government should detain these persons for all time, but what I say is this, that because at a certain gathering of our countrymen there was a resolution passed that all these persons should be released, and that a general amnesty should be declared, and that, therefore, this Council should recommend to the Governor for their discharge. I do not think that it is a very judicious appeal. It is not pretended that the war is at an end; we are still in war time; armistice is not peace, and this Act of 1915 will exhaust itself some six months after the war is formally at an end, that is after the conclusion of peace. Therefore, at the risk of being considered unpatriotic, I would say that the time is not opportune for a prayer of the kind as made by the hon'ble mover, that there should be a general amnesty. It is not necessary for me to go over the ground taken by my hon'ble friend on my right, who has given considerable time, at the sacrifice of his professional business, to this matter, in the consideration of the cases of persons suspected to be seditionists. It is true that there are no dacoities, no murders now, and we have to be thankful to the Government for the measures taken by them. I am not suggesting that, as soon as these people for whom my hon'ble friend, Babu Akhil Chandra Datta, appeals are discharged, there will be a recurrence of dacoities and murders. This is a matter for the consideration of the Government who have the papers before them of individual cases. If they think that if the discharge of a particular person will be attended with grave risk for the peace of society, then certainly they are within their rights to keep such a person under restraint, and to put him before a special tribunal, under a slightly different procedure, as is contemplated. But we must rely upon the discretion of the Government in this matter, and I think therefore that my hon'ble friend's resolution ought not to be carried."

The Hon'ble SIR HENRY WHEELER said :—

"My Lord, the last two speakers have so ably put various points which are relevant to this resolution, that I might almost be content to leave it at that. But this particular matter is one in which the responsibility of the local Government is so close and obvious that, in the light of the controversy that has arisen round it, it is incumbent upon me to offer a few observations.

I regret that this resolution has been moved. It is to be regretted because, for reasons that are well known to this Council—which have been explained repeatedly by Lord Carmichael and Your Excellency, and have been endorsed by the Rowlatt Committee and Sir Narayan Chandravarkar's and Mr. Justice Beachcroft's enquiry—we cannot place before the Council in detail the many excellent reasons that we have for the action we have taken. It is to be regretted again because, however carefully and with whatever good will we approach the question, it is difficult to avoid expressions which

*Resolutions.**Sir Henry Wheeler.*

exasperate feeling and excite controversy. Finally, I regret it in that it is speeches of the type of the Hon'ble Mover that give ground for the allegation that in Bengal the preservation of the public peace and the punishment of the wrong-doer is not always regarded as that paramount consideration which it is elsewhere. It is within the recollection of us all that an allegation on these lines from a responsible quarter excited much resentment not long ago, and it is just because we, who are officials in Bengal, believe that sentiment to be not in accord with the bulk of the common sense and responsible opinion in the province, that we regret speeches of the type that we have heard to-day from the Hon'ble Babu Akhil Chandra Dutta, in so far as they cast a slur upon the province which we repudiate. The resolution, however, has been moved, and it is a resolution which has a somewhat curious history.

On the 20th November 1917 the same Hon'ble Member sought to move a similar resolution. Your Excellency then made a detailed statement in this Council of facts which were not known to many Hon'ble Members, and the Hon'ble Babu Akhil Chandra Dutta was so convinced that he proceeded to withdraw his resolution. However, apparently between November 1917 and January 1919, his memory has weakened, and it is most strange that this should have happened, because in that interval we have had two very convincing pieces of evidence bearing out in fuller details the facts which Your Excellency related in outline only. We have had a full enquiry by the Rowlatt Committee; we have had a second enquiry by Sir Narayan Chandravarkar and Mr. Justice Beachcroft, and in the face of these two facts it is strange yet again to find the Hon'ble Member for a second time coming up, unrepentant, to repeat a suggestion of which, apparently, at one time he thought better. Of course for his mandate we need not look further than a certain resolution to which reference has been made this afternoon—the resolution of the recent Delhi Congress, which having previously resolved that the preservation of law and order might safely be made over to the hands of the speakers, proceeded, with somewhat curious logic, to follow it by a proposal similar to that now made, which in the mind of all right thinking men, if given effect to, would certainly endanger the preservation of law and order. But, Sir, we are perfectly prepared to justify the action that has been taken by us, and we rest our justification on the findings of these two enquires before which the facts were submitted. We rest our justification again on the improvement which we believe has been effected in the situation in this province, and which must be patent to all. It is a somewhat melancholy fact in one aspect, but still it is true, that 1918 is the first year since 1906 that no member of the general public, excluding police officers and those assisting or believed to have been assisting the police, has been killed or wounded by revolutionary dacoits or robbers. This is so far satisfactory, although it induces certain rather melancholy reflections, and we believe that this change has been brought about by the skill of the police officers to whom the administration of these Acts has been committed, and by the extremely useful weapons which the legislature has thus put in our hands. We are now asked in this resolution to throw aside all that we have done, and to say that all the men now under restraint ought to be allowed to go free.

If we try to imagine various reasons which might be adduced for so doing, among the first I should personally have put one to which the Hon'ble Member has not even alluded, doubtless because he knows it is not true, and indeed, it is not true; that is to say, we might have expected him to urge that, whatever the revolutionary has been in the past, it is over, and therefore there is every reason now to exercise clemency. As I have said, that statement has not been made, neither is it correct. We have unfortunately the best reasons for going on with whatever checks have been imposed by the measures taken under the Defence Act. Men are still abroad who were known

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to be leaders in the revolutionary movement ; they are still actively engaged in enlisting boys for their own ends and endeavouring to foment trouble, and simply because sedition has been checked for the moment, we should not be justified in assuming that it does not exist.

I pass to what really is the Hon'ble Mover's main reason for urging clemency, viz., his allegation that amongst the interned many do not deserve punishment. It is almost incredible that in the face of the enquiries that have been cited, despite the fact that, of 806 investigated cases, action was found to have been justified in 800 by the enquiring committee, and in the face of the detailed reasons which they have given in their report, justifying the method of their enquiry and their suggestions, he is able to get up and tell us that he still believes that many are not guilty. With that argument I cannot cope. I rest my case on the two documents of which I have made mention, and I leave it at that.

Then we come to a third reason, namely, that after all, even if there was a revolutionary movement, it was but a toy revolution. In answer to that I again ask Hon'ble Members to refer to the Rowlatt Committee's report, and the description it contains of what this movement really was.

Lastly, we come to the argument that we may safely take this action as the war is over. As a matter of fact, the war is not over ; an armistice has been signed, but the state of the world is not exactly what one would call one of utter tranquillity even now. In the second place, this revolutionary movement in Bengal was not the product of the war. It was accentuated by the war, but there is no *a priori* reason why, because of the fact that the war is over, we should discard measures which we have found so useful. I submit that none of these arguments will hold water, or would be sufficient justification for taking the action which the Council is asked to recommend.

But, Sir, although we have not adopted this policy of general amnesty, and do not intend to adopt it, yet I would like to explain to the Council what we have done, the more so, as in this connection the Hon'ble Babu Akhil Chandra Datta has allowed his feelings to lead him into a statement which is a vicious travesty of the true facts, for which I can see no justification. He has referred to the policy of release, and he has said that the fact that men have been released shows their innocence. He asserts that justice has now been done ; that the people were right and the Government wrong ; that belated justice is better than no justice. May I draw the attention of the Council to Your Excellency's speech delivered in November 1917 in which you referred to this policy of release. It was a statement which ought to be within the Hon'ble Member's recollection, and it afforded a clear explanation of the lines upon which we have been proceeding. Your Excellency then said :—

'I do not say for one moment that all those dealt with are guilty in equal degree. Certainly not. There are many who have been led to join the revolutionary movement under a misapprehension as to what they were doing. In many cases the regret which is often expressed by such men for their past action is no doubt perfectly genuine. And it is the policy of Government deliberately adopted with a full knowledge of all the facts, steadily to release such men as can in our judgment be set free without unduly endangering the safety of society and the public peace. Men who have been guilty only in a minor degree and for whose good behaviour security can be obtained, have been set at liberty from time to time during the year. . . . These men are on their honour. It is up to them to see that they do not abuse the trust which has been placed in them.'

In the face of that explanation I am amazed to find the Hon'ble Member making the—I can only characterise it—most mischievous statement which

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he has made this afternoon. We have released some of these men because we hold their confessions in our hands; they have given promises of future good behaviour, and the situation being as it is (and of course the armistice has cleared the air) Government have no desire to appear to be vindictive in this matter. We believe that these men have learnt their lesson, and we exercise mercy believing that it will have a good effect, and that the experiment was at least worth trying. The actual facts are that in one way or other we have dealt under the Defence of India Act with some 1,062 men, excluding cases of persons expelled from the province or cases otherwise disposed of. Of these we had prior to the armistice released many for the reasons I have stated, but we have accelerated our policy since the armistice was declared. We have released 481 in all, and we are in the process of releasing 196 more, thus making a total of 677. Of the remaining persons still detained, some 385 are in various domiciles, of whom 126 are in home domicile. We shall pursue this policy according as circumstances develop and according as we think ourselves justified in doing so, but I have cited these figures because I have seen it stated in some quarters that Government is releasing *detenus* by thousands, whereas we never even interned them by thousands. They also fully bear out the contention that, in exercising its powers under this Act, the local Government has not enforced a greater degree of stringency than the circumstances of the time required, and to the extent that circumstances permitted has already shown, and is showing, mercy. Beyond this we are not prepared to go, and I cannot advise the Council to accept this resolution."

The Hon'ble BABU AKHIL CHUNDRA DATTA said :—

My Lord, I would like to say a few words in answer to the arguments brought forward by the Hon'ble Mr. Provash Chandra Mitter. One argument is that dacoities and murders have decreased; that is a fact about which there cannot be any controversy whatsoever. But in answer I have to say this: It does not follow from the fact that there were dacoities and murders and that these dacoities and murders have ceased, it does not follow that all the interned people were concerned in these crimes. Before I proceed further I must make my position absolutely clear. I have never suggested either to-day or on any other occasion that all the people that have been interned are absolutely innocent. I have only said—I have on the other hand distinctly made it clear—that there must be many who were not guilty.

As regards the argument that dacoities and murders have decreased under the vigorous administration of the Defence of India Act, I want to submit this. I have also said on many occasions that I did not suggest for one moment that the authorities of the Government who deal with these matters, deliberately interned persons whom they believed to be innocent. I have never said that. I have always said this—that the system adopted for the enquiry was defective and that the inevitable result of that was that in some cases there must have been blunder of judgment. I use the words 'blunder of judgment' advisedly: that is my position on this question.

As regards the Hon'ble Mr. P. C. Mitter's argument that dacoities and murders have decreased, I hope my hon'ble friend will listen to my argument and give his best consideration now and hereafter over this argument. Supposing 100 men were guilty of murders and dacoities and supposing 1,100 men have been interned—I do not say that that is the figure, but I take this figure just for the purpose of illustrating my proposition—does not that argument apply equally well in that case also; although 100 men committed murders and dacoities and 1,100 men were interned, still that argument of the

*Resolutions.**Babu A. C. Datta.*

decrease of dacoities and murders applies equally well. Supposing some of us now present in this Council Chamber were interned still that argument would be applicable, *namely*, that the crimes have now decreased. That argument is certainly fallacious. Of course, if my position was this—that all the people interned are innocent, then certainly this argument has some force but not otherwise.

Then, My Lord, I have also said supposing they are guilty—I put my case on that assumption—supposing they are guilty and even in that case the question arises whether they should be released or not. I do not know what my friend's answer will be to the release of Sien Finners: most regrettable atrocities were committed by them, but it was still thought proper and expedient in the interests of the country not to detain them *ad infinitum*. 'Once interned always interned' is an argument which is never accepted in any country. My hon'ble friend Mr. P. C. Mitter may be hard and unrelenting, but the Government has not been hard and unrelenting, and on behalf of the people, I feel it just to express their gratefulness for releasing some people recently.

My friend refers to my own district from which it is said many young men—innocent youths—that is his expression—were misled. Now that is precisely one of the reasons why I feel strongly on this matter. I do feel that there must have been many young men—I mean boys of very tender age—who were captured by anarchists and who were misled, but having regard to their tender age and having regard to the fact that they did not go deep into the movement, I have always thought from the standpoint of the people and from the standpoint of Government that it would be better for the country and for Government to reclaim them instead of interning them *ad infinitum* and making them confirmed anarchists. If it is permissible, I would remind Your Excellency that that is what on a certain occasion I tried to explain to Your Excellency in a private interview. I might refer to one particular case of a young lad of 14 or 15 years who was ordered to be interned and the order went from Calcutta to Comilla. Then, My Lord, the boy presented himself before the Superintendent of Police of my district under the orders received from Calcutta. The District Superintendent of Police seeing the young boy was simply amazed and thought it would be ridiculous to intern such an immature boy. He then made a reference to the higher authorities and the result was that the boy was not interned. This is one class of cases to which I would invite Your Excellency's careful attention.

Then about the observations of the Hon'ble Member in charge, I do not know if I deserved them but I have got them. I feel that he has done some injustice to me. I can assure him that if I have moved this resolution, I have moved it because I honestly feel that in some cases there has been blunder of judgment and in some other cases too young lads had been interned who ought to have been reclaimed: in either class of cases I may say that I believe that most of these young men, if released, would be staunch supporters of Government instead of being enemies. Because I honestly believe this I have brought up this matter before the Council. I need hardly say that it is not a pleasant duty for a Member of this Council to do this task. After all we know that this is not a very pleasant task, and I do not think that any man is so perverse as he would needlessly incur the displeasure of anybody if he does not really feel in the matter. Now it is said, My Lord, that some people have been released not because Government do not think them to be guilty but because Government do not wish to be vindictive. That is precisely my submission. I have never said that they are not guilty; but I say because they are guilty it does not follow that they should be detained for ever. What, after all, My Lord, is my resolution? My resolution is simply this—that the policy of

*Resolutions ; Adjournment.**Babu A. C. Datta.*

release that has been inaugurated may be given effect to more completely, nothing more or nothing less than that. I do not say that Government are vindictive even in respect of the persons who have not been released. If Government have not released that is because Government feel that it will not be good for the country : whereas I believe that if they are released now, especially at this time when the war is over, on the eve of the constitutional reforms, they are not so perverse in their nature that they would not appreciate the kindness of Government. That is the real reason as to why I have brought up this matter."

The resolution was then put and lost.

ADJOURNMENT.

The Council was then adjourned to Tuesday, the 18th February, 1919, at 11 A.M., in Government House, Calcutta.

A. M. HUTCHISON,

*Secretary to the Government of Bengal, and
Secretary to the Bengal Legislative Council (Offg.).*

CALCUTTA,

The 3rd January 1919.



The Calcutta Gazette

WEDNESDAY, MARCH 12, 1919.

PART IVA.

Proceedings of the Bengal Legislative Council.

GOVERNMENT OF BENGAL.

LEGISLATIVE DEPARTMENT.

Abstract of the Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act, 1915.

THE Council met in the Council Chamber at Government House, Calcutta, on Tuesday, the 18th February, 1919, at 11 A.M.

Present :

HIS EXCELLENCY THE RIGHT HON'BLE LAWRENCE JOHN LUMLEY DUNDAS,
EARL OF RONALDSHAY, G.C.I.E., *Governor of the Presidency of
Fort William in Bengal, presiding.*

The Hon'ble SIR HENRY WHEELER, K.C.I.E., C.S.I.

The Hon'ble MR. J. G. CUMMING, C.S.I., C.I.E.

The Hon'ble SIR BIJAY CHAND MAHTAB, K.C.S.I., K.C.I.E., I.O.M., MAHA-
RAJADHIRAJA BAHADUR OF BURDWAN.

The Hon'ble MR. J. H. KERR, C.S.I., C.I.E.

The Hon'ble MR. C. J. STEVENSON-MOORE, C.V.O.

The Hon'ble MAJOR-GENERAL W. H. B. ROBINSON, C.B., I.M.S.

The Hon'ble MR. J. DONALD, C.I.E.

The Hon'ble MR. L. S. S. O'MALLEY, C.I.E.

The Hon'ble MR. M. C. McALPIN.

The Hon'ble Mr. F. A. A. COWLEY.

The Hon'ble Mr. C. H. BOMPAS, C.B.I.

The Hon'ble Mr. W. C. WORDSWORTH.

The Hon'ble Mr. S. G. HART.

The Hon'ble Sir RAJENDRA NATH MOOKERJEE, K.C.I.E.

The Hon'ble Sir NILRATAN SARKAR, Kt.

The Hon'ble Mr. W. H. H. ARDEN-WOOD, C.I.E.

The Hon'ble Mr. AMINUR RAHMAN.

The Hon'ble RAJA HRISHIKESH LAHA, C.I.E.

The Hon'ble Mr. PROVASH CHUNDER MITTER, C.I.E.

The Hon'ble BABU SIV NARAYAN MUKHARJI.

The Hon'ble KUMAR SHIB SHEKHARESWAR RAY.

The Hon'ble BABU BRAJENDRA KISHOR RAY CHAUDHURI.

The Hon'ble Mr. ARUN CHANDRA SINGHA.

The Hon'ble Sir DEBA PRASAD SARBADHIKARI, Kt., C.I.E.

The Hon'ble RAI DEBENDER CHUNDER GHOSE BAHADUR.

The Hon'ble RAI RADHA CHARAN PAL BAHADUR.

The Hon'ble Mr. W. E. CRUM, O.B.E.

The Hon'ble Mr. W. H. PHELPS.

The Hon'ble Mr. G. A. BAYLEY.

The Hon'ble Mr. H. R. A. IRWIN, C.I.E.

The Hon'ble MAULVI ABUL KASEM.

The Hon'ble MAULVI A. K. FAZL-UL-HAQ.

The Hon'ble KHAN SAHIB AMAN ALL.

The Hon'ble RAI SRI NATH RAY BAHADUR.

The Hon'ble BABU AKHIL CHANDRA DATTA.

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR.

The Hon'ble BABU SURENDRA NATH RAY.

The Hon'ble BABU MAHENDRA NATH RAY, C.I.E.

The Hon'ble BABU KISHORI MOHAN CHAUDHURI.

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR.

*Oath of allegiance ; Questions and Answers.***LIST OF BUSINESS—ITEM No. 1.****OATH OF ALLEGIANCE.**

The Hon'ble Mr. W. H. Phelps made an oath of his allegiance to the Crown.

QUESTIONS AND ANSWERS.**LIST OF BUSINESS—ITEM No. 2.**

The following questions which had been starred were put and answered :—

By the Hon'ble Babu Ambika Charan Mazumdar:—

*1.

(a) Is it a fact that an Assistant Master in the Faridpur Zila School has been continuously officiating for five years without being confirmed in his appointment, although several vacancies occurred during this period?

The case of an Assistant Master of the Faridpur Zila School.

(b) Is it a fact that on two or three occasions this Assistant Master was recommended by the Headmaster, by the managing committee of the school and its Magistrate-President, as well as by the Divisional Inspector of schools, but a Muhammadan was selected?

(c) Is it a fact—

(i) that the Muhammadan gentleman so appointed did not stick to the post or did not join at all; and

(ii) that on the last occasion, although the officiating Assistant Master was again recommended, another Muhammadan gentleman who is an outsider, was appointed, but has not yet joined the post or given the school authorities any information as to his intentions?

(d) Do the Government propose to confirm the Assistant Master in his officiating appointment?

Answer by the Hon'ble MR. O'MALLEY :—

" (a) Babu Satyapada Lahiri, to whom the question apparently refers, has been officiating in temporary and permanent vacancies since 1914. He has not yet been confirmed in any post.

(b) On two occasions, in 1915 and 1917, he was recommended for appointment to two permanent vacancies in the school, but as the number of Muhammadan teachers in the school was disproportionately small (only 2 out of 15), the appointment of Muhammadans to these vacancies was considered proper.

(c) (i) It is not a fact so far as the vacancy in 1915 is concerned.

(ii) Two Muhammadans were successively appointed to the vacancy caused in 1917, both of whom failed to join.

(d) Babu Satyapada Lahiri is now officiating in place of a permanent teacher who has been deputed for training. His permanent appointment in connection with the vacancy last mentioned is under the consideration of the Director of Public Instruction."

(Questions and Answers.

By the Hon'ble Rai Debender Chunder Ghose Bahadur:—

*11.

Congregation
of sadhus and
sannyasis at
Jagunnath Ghât

(a) For what length of time since the establishment of British rule in Calcutta have the *sadhu* and *sannyasi* mendicants been congregating at *Jagunnath Ghât* on the bank of the river Hooghly in the town of Calcutta, and especially during the season of *Poush Sankranti*, with a view to a pilgrimage to Gangasagar?

(b) Is it a fact that these people are considered holy by the generality of the Hindu community?

(c) Were any complaints made to the police, regarding the behaviour of these persons, by any Hindu who had occasion to use this bathing *ghât* on the 3rd or 4th January, 1919?

(d) Is it a fact that alms are freely given to these people on such occasions and that no objections have ever been made to their congregating on the top platform of the *ghât*?

(e) Did Sub-Inspector Galloway of the Port police on or about the 4th instant arrest about a hundred *sadhus*, including female *sannyasinis*, at this *ghât* where they had been waiting for boats to carry them to their place of pilgrimage in Saugor Island?

(f) Were these pilgrims prosecuted before a magistrate on charges of obstructing a public thoroughfare and of begging for alms and was the prosecution subsequently withdrawn?

(g) Is it true that some of these *sadhus* were slapped and kicked, and had their cooked food spoilt and that the idols of *sadhus*—Damodar Giri, Kishenji and Harihar Giri—had been maimed and broken?

(h) Are the Government considering the desirability of placing a Hindu police-officer on duty at such pilgrim *ghâts*?

Answer by the Hon'ble MR. KERR:—

"(a) The practice has prevailed for many years.

(b) Yes.

(c) No.

(d) Alms are freely given to these people. No objections to their congregating on the top platform of the *ghât* have been brought to the notice of Government.

(e) The arrests were made, not at the *ghât*, but on the Port Commissioners' land above the *ghât*. The number of pilgrims proceeding to Saugor Island was unusually large this year, and on the occasion referred to, the Port police had to deal with over 25,000 persons who had congregated at the *Jagunnath Ghât* and on the Port Commissioners' land above it and refused to obey any orders, with the result that traffic was practically suspended. In order to restore order, a certain number of arrests were then made at the urgent request of the Port Commissioners.

(f) No. The Deputy Commissioner, Port police, discharged the accused.

(g) The Deputy Commissioner, Port police, was present throughout, but no complaints of this nature were made to him.

(h) A Hindu officer is now in charge of the section which includes the *Jagunnath Ghât*."

Questions and Answers.

By the Hon'ble Rai Debender Chunder Ghose Bahadur:—

*III.

(a) With reference to the *communiqué* issued by the Controller of Cotton Cloth from Bombay on the 30th January, 1919, and published in the Calcutta papers on the following day, will the Government be pleased to state whether the prices of *dhoties*, *saris* and *shirtings* now ruling in Bengal are not higher than what the poorer class of people in this province can afford to pay? High price of cloth.

(b) What are the rates at which such articles of clothing are being sold in this cold season to the poorer class of people in Calcutta and in the interior of the province?

(c) Do the Government get periodical statistics from district officers as to the ruling prices of such goods, as in the case of rice? If not, why not?

(d) Have the Government of Bengal drawn the attention of the Government of India during the past six months to the state of the Calcutta cloth-market in this respect and moved that Government to put the provisions of the Cotton Cloth Act, 1918, into operation for the benefit of Bengal and for supplies of standard cloth in this province, as the Governments of Bihar and Orissa, the United Provinces and the Punjab have done?

(e) When can this province expect supplies of such standard cloth and at rates similar to those fixed by the Controller for the other provinces?

Answer by the Hon'ble Mr. DONALD:—

(a) The prices of *dhoties*, *saris* and *shirtings* are undoubtedly high compared with pre-war prices, and the poorer classes must be feeling the effects. It is to be noted, however, that the prevalence of abnormally high prices is common to most parts of the world, as the result of the war, the consequent decrease of production, difficulties of freight and the diminished purchasing value of money.

(b) A statement showing retail prices in Calcutta for the month of January is laid upon the table. The prices in the interior vary from place to place.

(c) Government get weekly statistics of the prices of various cloths from all district officers.

(d) Government have been in communication with the Government of India and the Controller of Cotton Cloth on the subject. For the answers to the latter part of (d) and (e) the Hon'ble Member is referred to the statement which will be made in connection with the resolution on the same subject which will be moved at the present Council meeting."

Statement referred to in the answer by the Hon'ble Mr. DONALD to question No. III (Starred), asked by the Hon'ble RAI DEBENDER CHUNDER GHOSE BAHADUR at the Council meeting of the 18th February, 1919, showing the retail prices in Calcutta for certain classes of cloth in common use.

JANUARY, 1919.										
	1st.	2nd.	3rd.	4th.	5th.	6th.	7th.	8th.	9th.	10th.
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
*Padlock (mark) Sari 8 yds.	4 0 0	4 0 0	4 0 0	4 0 0	4 0 0	4 0 0	4 0 0	4 0 0	3 15 6	3 15 0
*Bada Dhuti (Lalu mark) 8 yds.	4 3 6	4 3 6	4 3 0	4 3 3	4 3 3	4 3 6	4 3 6	4 3 6	4 3 6	4 3 0
†Banga Lakmi 9 yds. ...	3 1 0	2 15 0	2 15 0	2 15 0	3 3 4	3 1 0	3 1 0	3 1 0	3 1 0	3 1 0

° Imported.
† Local product.

Questions and Answers.

	JANUARY, 1919.									
	11th.	12th.	13th.	14th.	15th.	16th.	17th.	18th.	19th.	20th.
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
* Padlock (mark) Sari 9 yds.	4 8 6	4 8 0	4 8 6	4 8 6	4 10 0	4 10 0	4 9 6	4 9 5	4 9 6	4 9 6
* Bada Dhuti (Lata mark) 9 yds.	4 2 0	4 3 6	4 2 8	4 5 0	4 5 0	4 5 0	4 5 0	4 3 0	4 5 0	4 5 0
† Banga Lakmi 9 yds. ...	3 1 0	3 1 0	3 1 0	3 1 0	3 1 0	3 1 0	3 1 0	3 1 0	3 1 0	3 1 0

JANUARY, 1919.												
		21st.	22nd.	23rd.	24th.	25th.	26th.	27th.	28th.	29th.	30th.	31st.
		Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
• Padlock (mark) Sari 9 yds.		4 9 6	4 9 0	4 9 0	4 9 0	4 9 0	4 9 0	4 9 0	4 9 0	4 9 0	4 8 0	4 8 0
• Bada Dhuti (Lata mark) 9 yds.		4 5 0	4 4 8	4 4 8	4 4 8	4 4 8	4 4 8	4 4 8	4 4 8	4 4 8	4 3 0	4 3 0
• Banga Lakmi 9 yds.		3 1 0	3 1 0	3 1 0	3 3 0	3 3 0	3 3 0	3 3 0	3 3 0	3 3 0	3 3 0	3 3 0

* Imported. | † Local product.

By the Hon'ble Rai Debender Chunder Ghose Bahadur:—

*IV.

Municipal
Administration
of Serampore
and Bansberia.

(a) With reference to Bengal Government Resolution No. 287 M., dated the 27th January, 1919, will the Government be pleased to state—

- (i) what measures, if any, are proposed to be taken to set right the present municipal administration of Serampore and Bansberia in the Hooghly district; and
- (ii) whether Government asked the several District Magistrates of the Dacca and Chittagong Divisions for explanations regarding their negligence in not making the usual inspections of the several municipal institutions in their districts?

(b) If so, will the Government be pleased to lay on the table the several explanations as rendered by them?

(c) If no explanations have been asked for, can the Government give any reason for such remissness on the part of the district officers?

Answer by the Hon'ble Mr. O'MALLEY:—

“(a) (i) It is the duty of the municipal commissioners to reform the administration. A reference on the subject is being made to them.

(ii) The answer is in the negative.

(b) This question does not arise.

(c) “In the absence of explanations, Government are not in a position to ascribe reasons.”

By the Hon'ble Rai Srinath Ray Bahadur:—

*V.

High Court
decision in the
case of the
Secretary of
State vs. the
Maharajahdhiraja
Bahadur of
Burdwan.

(a) Has the attention of Government been drawn to the recent decision of the Calcutta High Court in the case of the Secretary of State vs. the Maharajahdhiraja Bahadur of Burdwan, reported in 22 C. W. N., p. 872, that chars formed in non-navigable rivers are not resumable under Bengal Regulation XI of 1825?

Questions and Answers.

(b) Are the Government aware that in many small and non-navigable rivers in the Mymensingh district such *chars* formed after the survey settlements of 1851-52 are being resumed and assessed?

(c) If so, are the Government considering the desirability, in view of the above decision, of stopping further proceedings in these resumption cases and of releasing those lands which have already been resumed?

Answer by the Hon'ble MR. MCALPIN :—

" (a) The decision of the Calcutta High Court referred to by the Hon'ble Member is under appeal before the Privy Council. The effect of the decision has not however been correctly stated in the question.

(b) Government have no definite information, but understand that revenue is being assessed on such accretions as are resumable under the Bengal Regulations.

(c) No."

By the Hon'ble Rai Mahendra Chandra Mitra Bahadur:—

*VI.

(a) Is it a fact that industrial surveys were undertaken by the Government of Bengal at various times?

Industrial surveys and improvement of industries.

(b) If so, has anything definite resulted from any of these surveys?

(c) Is it a fact that none of these surveys was made by officers with a technical knowledge of industry?

(d) Is there any appropriate organization of specialised experts for the improvement of the industries of Bengal?

(e) Has any substantial advance been made to remedy the deficiencies, if any, after the appointment of the Director of Industries, Bengal, and what definite progress has been made in the development of industries after this appointment?

(f) What steps, if any, are the Government contemplating to improve the local industries?

Answer by the Hon'ble MR. DONALD :—

" (a) Yes, noticeably by Messrs. Collin, Cumming, J. N. Gupta, Swan and Ascoli.

(b) The general improvement of technical education and particularly the appointments of a Superintendent of Industries and of a Government School of Weaving (with an expert as its Principal) may be taken as definite results of these surveys, while action was also taken towards the provision and extension of State scholarships for industrial education.

(c) Yes.

(d) Except the organisation provided by the Indian Munitions Board, of which the encouragement of local industries is a prominent object, there is no organisation of specialised experts. There is however an expert at the head of the Government School of Weaving, and there are experts in the Forest and Agricultural Departments, while an expert has been engaged as chemist to the research tannery now being established in Calcutta.

Questions and Answers.

(e) The Director of Industries, almost as soon as he was appointed, was made Controller of Munitions for Bengal, and his activities have been largely directed to the fostering of such local industries as were of immediate value in relieving the war situation. Much has been done in that way as explained in a speech delivered by His Excellency on the 15th November last. A further and fuller account of some of the results achieved can be found in the Indian Munitions Board hand-book, a new edition of which is shortly to be published.

(f) Government are awaiting a pronouncement from the Government of India on the Report of the Industrial Commission before undertaking the development of the Department of Industries, but such development is regarded as one of the important needs of the province at the present time."

By the Hon'ble Rai Mahendra Chandra Mitra Bahadur:—

***VII.**

Expenditure on
irrigation works.

(a) Will the Government be pleased to state the amount of money spent this year in each of the various districts of Bengal on irrigation works and the nature of the work done in each district?

(b) Are the Government considering the advisability of spending more money on irrigation for the benefit of the *raiya*s from the next year?

Answer by the Hon'ble MR. COWLEY:—

"(a) The irrigation works in Bengal are—

- (i) The Midnapore Canal,
- (ii) The Eden Canal,

from which areas in the districts of Midnapore, Burdwan and Hooghly are irrigated.

The amount provided for expenditure in the revised budget of the year 1918-19 is as follows:—

On the Midnapore Canal—

	Rs.
Extensions and improvements	1,600
Maintenance and repairs (The nature of these works are such as are found necessary for maintaining the canals in an efficient condition for purposes of navigation and irrigation)	87,000
Revenue establishment, which is necessary to be maintained for collection of irrigation water-rates and navigation tolls	33,000
Engineering establishment	19,000
Tools and plant and Refunds	17,200
The total expenditure will amount in the year 1918-19 to	1,57,800

On the Eden Canal—

	Rs.
Minor improvements	8,500
Maintenance and repairs	19,800
Revenue establishment	3,676
Engineering establishment	6,024
Tools and plant	350
Total	38,350

Questions and Answers.

(b) The only new irrigation work now under consideration by this Government is the Damodar Canal Project. The project was submitted to the Government of India in the year 1915 and was received back with a note by the Inspector-General of Irrigation in 1917 for further consideration. In 1917-18 further surveys were taken up and continued in 1918-19. All the necessary data have now been collected and the project is being revised in accordance with the more recent instructions by the Inspector-General of Irrigation. During the year a provision of Rs. 4,430 has been made for expenditure on necessary surveys and this amount will be spent during the current year. In regard to future expenditure, this will depend on the sanction by the Secretary of State. As far as can be foreseen at present, the cost will be sixty lakhs."

By the Hon'ble Rai Mahendra Chandra Mitra Bahadur:—

***VIII.**

Are the Government considering the advisability of observing the day of *Saraswati Puja* as a closed holiday in the Bengal Secretariat and its attached offices, so far as the attendance of Hindu assistants is concerned? *Saraswati Puja* holiday.

Answer by the Hon'ble Mr. DONALD:—

"The day of the *Saraswati Puja* is a public holiday under the Negotiable Instruments Act. The Bengal Secretariat and its attached offices are therefore closed for that day. Such urgent work as the exigencies of Government service make imperative is done as far as possible with non-Hindu assistants."

UNSTARRED QUESTIONS.

(Answers to which were laid on the table.)

By the Hon'ble Khan Sahib Aman Ali:—

1.

(a) Are the Government aware that in the month of February, 1918, a general election was held in the Kalna subdivision for the constitution of the Kalna Local Board? General election for the constitution of the Kalna Local Board.

(b) Is it a fact that a list of voters was prepared by Babu Ashutosh De, Circle Officer of Kalna?

(c) Is it a fact that the list of 1914 prepared by the same officer contained electors whose number was nearly double of those in the list of 1918 and that a large number of qualified electors was deprived of their franchise?

(d) Is it a fact that the circle officer struck off about half the number of names of electors sent to him by the President of the panchayat without giving any reason?

(e) Is it a fact that in the case of the Purbasthali chaukidari union, and especially the village Chopi, a large number of new names was put in the current list?

(f) Is it a fact that a large number of qualified electors applied to the District Magistrate for the inclusion of their names in the list, and that the applications were sent to the circle officer for disposal, who rejected nearly 90 per cent. of the petitions without inquiry?

(g) Is it a fact that in the Manteswar thana the circle officer is alleged to have used undue influence with some of the applicants who insisted on their right to exercise their franchise?

Questions and Answers.

Answer by the Hon'ble Mr. O'MALLEY :—

" (a) The answer is in the affirmative.

(b) The officer's name is Babu Ashutosh Deb.

(c) There were 7,796 voters on the register in 1914 and 4,411 on the revised register prepared in 1918. A special inquiry has been made in four unions and it has been found that a considerable number of persons qualified to vote were omitted from the register in the latter year.

(d) It is reported that no names were sent up by the President Panchayat.

(e) The number of persons entered in the register fell from 286 to 201 in Purbasthali union and from 72 to 51 in Chopi village.

(f) Five petitions asking for the entry of 57 persons on the register were presented to the District Magistrate. They were sent to the Circle Officer not for disposal but for inquiry and report, and the District Magistrate himself passed orders on receipt of his report.

(g) Government have no information as to the allegations."

By the Hon'ble Khan Sahib Aman Ali:—

2.

Entry passes
for taking forest
produce, etc.

(a) Are the Government aware that the forest officers of the Chittagong Hill-tracts require an entry fee (double if not paid at the time of entering) from every person, including those serving there, who take forest produce, etc., for domestic use?

(b) Is it a fact that the forest rules require that entry passes need only be obtained in the case of persons wishing to enter the forest for the purpose of cutting or purchasing forest produce for export?

(c) If so, are the Government considering the desirability of directing the Divisional Forest Officer not to insist on entry passes except in the case of persons who are dealers in the above produce?

Answer by the Hon'ble Mr. MCALPIN :—

" (a) The rule is as follows :—

' Persons wishing to enter the Chittagong Hill-tracts either for the purpose of cutting forest produce in the reserved or unclassified State forests (except those who go to cut sunn grass in the Government kholas) or for the purpose of purchasing from the hillmen forest produce, for export to the Chittagong Collectorate, must apply for an entry pass at one of the Forest Department toll-stations, and pay the prescribed fee of 8 annas per head.'

If this rule is infringed an offence is committed. Double entry-permit fees are not demanded, but offenders generally prefer to compound their offence by paying an additional 8 annas rather than go to Court.

Local residents of the Hill-tracts are not however required to take out entry-permits.

(b) The correct rule has been quoted above.

(c) No change in the existing rules regarding entry-permits is at present under the consideration of Government. The fact that entry fees have to be paid was taken into consideration when the existing schedule of rates for forest produce in the Hill-tracts was drawn up."

Questions and Answers.

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

3.

(a) Will the Government be pleased to state whether it is the practice in the divisional offices of the Public Works Department and in the various district boards and municipalities to confine the call for tenders among only a limited number of contractors?

Call for tenders by the Public Works Department, district boards and municipalities.

(b) Is it a fact that the late Executive Engineer of the Dacca Division made a departure from this practice by openly advertising, in newspapers and otherwise, for tenders from any contractor who satisfied certain conditions, including the making of a deposit?

(c) Is it a fact that the construction of large public buildings, such as the Mitford Hospital, has been undertaken by contractors at rates much below the Public Works rates?

(d) If the answer to clauses (b) and (c) above be in the affirmative, will the Government be pleased to state whether the works were satisfactorily done by these outside contractors?

(e) Are the Government considering the desirability of directing that all tenders of the Public Works Department and local bodies should henceforth be openly advertised for in newspapers and otherwise?

Answer by the Hon'ble MR. COWLEY:—

(a) The Hon'ble Member is referred to the reply given by the Hon'ble Mr. O'Malley to a question on the same subject at the meeting of this Council held on the 26th November, 1918, from which it will be seen that the general practice of the Public Works Department and of local bodies is to call for tenders publicly, the degree of publicity varying with the importance of the work.

(b) and (c) The Executive Engineer, Dacca Division, followed the general practice and in the particular case referred to, viz., the reconstruction of the Mitford Hospital, received tenders at rates varying from $2\frac{1}{2}$ to $7\frac{3}{4}$ per cent. below the estimated rates. Such a result occurs frequently.

(d) Works in the Dacca Division are being satisfactorily carried out under the supervision of the officers of the Department by contractors who reside in the neighbourhood.

(e) As a result of certain recommendations contained in the Report of 1917 of the Public Works Department Reorganization Committee and in accordance with the conclusions thereon arrived at by the Government of India, the attention of all Public Works Department officers has again been drawn to the desirability of widely advertising for tenders with a view to the further encouragement of private enterprise in regard to the execution of Public Works.

By the Hon'ble Babu Brojendra Krishor Ray Chaudhuri:—

4.

(a) With regard to the method of distribution of the seed of *Kakya* *Bombai* jute and *Indrasail* paddy, referred to in paragraph 13 of the last annual report on Agriculture, will the Government be pleased to state how far the expectations of the Department have been realised in this matter?

Supply of seeds of jute and paddy to cultivators.

Questions and Answers.

(b) What arrangements are there to ensure that the growers, to whom the packets and bags of seed are ultimately supplied, follow the directions given by the Department for reserving the resulting crop for seed next year?

(c) How many cultivators have been so supplied with seeds, and in what areas?

Answer by the Hon'ble Mr. McALPIN :—

(a) The system of distribution has proved an effective method of distributing new varieties in the districts and has rendered it possible to give the cultivators of all the districts in East and North Bengal an equal chance of growing the seed instead of only those who live near the Central Farms.

(b) This depends on the people themselves; but every endeavour is made by the district staffs of the Department to see that the people understand the principles underlying the seed distribution.

(c) A statement is laid on the Library table. 165,076 cultivators have been supplied with *Kakya Bombay* jute seed and 25,688 with *Indrasail* paddy.

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

5.

Price of certain specimens of dhuti.

With reference to the statement laid on the table in answer to my unstarred question No. 23 asked at the meeting of the Council on the 19th December, 1918, will the Government be pleased to lay a similar statement on the table covering the period from the 18th November, 1918, up to date?

Answer by the Hon'ble Mr. DONALD :—

"The statement is laid on the table."

Statement referred to in the answer by the Hon'ble Mr. DONALD to question No. 5 (Unstarred) asked by the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI at the Council Meeting of the 18th February, 1919, showing the retail prices in Calcutta for certain classes of cloth in common use.

NOVEMBER, 1918.													
	18th.	19th.	20th.	21st.	22nd.	23rd.	24th.	25th.	26th.	27th.	28th.	29th.	30th.
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
• Padlock (Mark) Sari 9 yds.	Market closed.	3 6 0	Market closed.	3 6 0	3 4 0	3 4 0	3 3 0	3 3 0	3 3 0	3 3 0	3 3 0	3 3 0	3 3 0
• Sada Dhuti (Lotu-mark) 9 yds.		3 1 0		3 1 0	3 1 0	3 0 0	3 0 0	3 0 0	3 0 0	2 15 0	2 15 0	2 15 0	2 15 0
† Banga Lakmi 9 yds.		2 15 0		2 15 0	2 15 0	2 15 0	2 14 6	2 5 0	2 5 0	2 5 0	2 5 0	2 5 0	2 5 0

DECEMBER 1918.													
	1st.	2nd.	3rd.	4th.	5th.	6th.	7th.	8th.	9th.	10th.	11th.	12th.	13th.
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
• Padlock (mark) Sari 9 yds.	3 3 0	3 3 0	3 1 0	3 3 0	3 4 0	3 5 0	3 6 0	3 6 0	3 10 0	Market closed.	3 10 0	3 14 0	4 0 0
• Sada Dhuti (Lotu-mark) 9 yds.	2 15 0	2 15 0	2 14 6	2 14 0	3 0 0	3 3 0	3 3 0	3 3 6	3 3 6	Market closed.	3 7 0	3 8 0	3 3 0
† Banga Lakmi 9 yds.	2 5 0	2 5 0	2 5 0	2 5 0	2 5 0	2 5 0	2 5 0	2 5 0	2 5 0	Market closed.	2 5 0	2 5 0	2 5 0

• Imported. / † Local product.

Questions and Answers.

DECEMBER, 1918.													
	14th.	15th.	16th.	17th.	18th.	19th.	20th.	21st.	22nd.	23rd.	24th.	25th.	26th.
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
* Padlock (mark) Sari 9 yds.	4 3 0	4 3 0	4 3 0	4 3 0	4 3 0	4 3 0	4 3 0	4 3 0	4 3 0	4 3 0	4 3 0	4 3 0	4 3 0
* Sada Dhuti (Lata mark) 9 yds.	3 12 0	3 12 0	3 12 6	3 12 6	3 12 0	3 12 6	3 12 6	3 14 6	3 14 6	4 1 0	4 1 0	4 3 0	4 3 0
† Banga Lakmi 9 yds.	3 5 6	3 5 6	3 5 6	3 5 6	3 5 6	3 11 0	3 11 0	3 10 0	3 10 0	3 13 0	3 13 0	3 15 0	3 15 0

DECEMBER, 1918.						JANUARY, 1919.							
	27th.	28th.	29th.	30th.	31st.	1st.	2nd.	3rd.	4th.	5th.	6th.	7th.	8th.
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
* Padlock (mark) Sari 9 yds.	4 3 0	4 3 6	4 3 6	4 3 6	4 1 0	4 0 0	4 0 0	4 0 0	4 0 0	4 0 0	4 0 0	4 0 0	4 0 0
* Sada Dhuti (Lata mark) 9 yds.	4 3 0	4 3 6	4 3 6	4 3 6	4 3 6	4 3 6	4 3 6	4 3 6	4 3 2	4 3 9	4 3 6	4 3 6	4 3 6
† Banga Lakmi 9 yds.	3 15 0	3 1 0	3 1 0	3 1 0	3 1 0	3 1 0	3 15 0	3 15 6	3 15 6	3 2 4	3 1 0	3 1 0	3 1 0

JANUARY, 1919.													
	9th.	10th.	11th.	12th.	13th.	14th.	15th.	16th.	17th.	18th.	19th.	20th.	21st.
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
* Padlock (mark) Sari 9 yds.	3 15 6	3 16 0	4 3 6	4 3 0	4 3 6	4 3 6	4 10 0	4 10 0	4 3 6	4 3 6	4 3 6	4 3 6	4 3 6
* Sada Dhuti (Lata mark) 9 yds.	4 3 6	4 3 0	4 3 0	4 3 6	4 3 6	4 3 6	4 3 0	4 3 0	4 3 0	4 3 0	4 3 0	4 3 0	4 3 0
† Banga Lakmi 9 yds.	3 1 0	3 1 0	3 1 0	3 1 0	3 3 0	3 1 0	3 1 0	3 1 0	3 1 0	3 1 0	3 1 0	3 1 0	3 3 0

JANUARY, 1919.													
	21st.	22nd.	23rd.	24th.	25th.	26th.	27th.	28th.	29th.	30th.	31st.	1st.	2nd.
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
* Padlock (mark) Sari 9 yds.	4 3 6	4 3 0	4 3 0	4 3 0	4 3 0	4 3 0	4 3 0	4 3 0	4 3 0	4 3 0	4 3 0	4 3 0	4 3 0
* Sada Dhuti (Lata mark) 9 yds.	4 3 0	4 4 6	4 4 6	4 4 6	4 4 6	4 4 6	4 4 6	4 4 6	4 4 6	4 4 6	4 3 0	4 3 0	4 3 0
† Banga Lakmi 9 yds.	3 1 0	3 1 0	3 1 0	3 3 0	3 3 0	3 3 0	3 3 0	3 3 0	3 3 0	3 3 0	3 3 0	3 3 0	3 3 0

FEBRUARY, 1919.													
	1st.	2nd.	3rd.	4th.	5th.	6th.	7th.	8th.	9th.	10th.	11th.	12th.	13th.
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
* Padlock (mark) Sari 9 yds.	4 7 0	4 7 0	4 7 0	4 6 6	4 6 6	4 6 0	4 6 0	4 6 0	4 6 0	4 6 0	4 6 0	4 6 0	4 6 0
* Sada Dhuti (Lata mark) 9 yds.	4 1 6	4 1 6	4 1 6	4 1 0	4 1 0	4 1 0	4 0 6	4 1 0	4 1 0	4 1 0	4 1 0	4 1 0	4 1 0
† Banga Lakmi 9 yds.	3 3 0	3 3 0	3 3 0	3 3 0	3 3 0	3 3 0	3 0 0	3 0 0	3 0 0	3 0 0	3 0 0	3 0 0	3 0 0

* Imported. | † Local product.

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

6.

(a) Has the attention of Government been drawn to a recent speech of the Lieutenant-Governor of Bihar and Orissa, in which reference has been made to the steps which have been taken by his Government for selling cloths at rates cheaper than the prevailing market-rates?

Sale of cloths at rates cheaper than prevailing market-rates.

Questions and Answers.

(b) If so, are the Government considering the desirability of adopting some such steps in Bengal?

Answer by the Hon'ble MR. DONALD :—

" (a) Yes.

(b) The Hon'ble Member is referred to the statement which will be made in connection with the resolution to the same effect which is to be moved at the present Council meeting."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

7.

Projects for improvement of sanitation.

Will the Government be pleased to make a statement of the projects for improvement of sanitation which have been submitted to Government by the Sanitary Board for sanction during the current financial year, and of the orders passed thereon?

Answer by the Hon'ble MR. O'MALLEY :—

" A statement is laid on the table."

Statement referred to in the answer by the Hon'ble MR. O'MALLEY to question No. 7 (Unstarred) asked by the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI at the Council meeting of the 18th February, 1919, showing the list of sanitary projects submitted to Government by the Sanitary Board during the year 1918-19.

Project.	Orders passed.
(1) Sketch project for the drainage of the Dinajpur municipality.	Government refused administrative approval.
(2) Sketch project for the flood flush drainage of the Budge-Budge municipality.	Administrative approval was given.
(3) Detailed scheme of sewerage for the Kurseong municipality.	The scheme was approved.
(4) Detailed project for the reconstruction of a drain by the Kurseong municipality.	The scheme was sanctioned.

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

8.

Improvement of the Dacca School of Engineering.

(a) Have the Government received any representation from the Dacca People's Association suggesting an expansion and improvement of the Dacca School of Engineering?

(b) If so, what orders, if any, have been passed thereon?

Answer by the Hon'ble MR. O'MALLEY :—

" (a) The answer is in the affirmative.

(b) The memorial is under consideration and no orders have yet been passed."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

9.

Improvement of drainage, etc.

Will the Government be pleased to make a statement showing the proposals or suggestions made to Government during the current financial year by district boards or any public associations for the improvement of drainage, facilities of communications by water and other allied objects, and the steps taken thereon?

Questions and Answers.

Answer by the Hon'ble MR. O'MALLEY :—

" A statement is laid on the table."

Statement referred to in the answer by the Hon'ble MR. O'MALLEY to question No. 9 (Unstarred) asked by the Hon'ble BABU BROJENDRA KISHORE RAY CHAUDHURI at the Council meeting of the 18th February, 1919, showing the proposals or suggestions made to Government during the current financial year by District Boards or any Public Associations for the improvement of drainage facilities of communications by water or allied objects and steps taken thereon.

Serial No.	Name of Public Association or District Board.	Nature of proposal.	Action taken by Government.
<i>Drainage Schemes.</i>			
1	District Board of Jessore	Arul Bil Scheme (for draining an area of 53 square miles).	A notification under section 3 of the Bengal Sanitary Drainage Act has issued.
2	District Board of the 24-Parganas.	Nawi Sunti Scheme (for draining an area of 145 square miles).	
3	District Boards of 24-Parganas, Nadia and Jessore.	Jabuna Scheme (for draining an area of 322½ square miles).	
4	District Board of Howrah	Amta Drainage Scheme (for draining an area of 128 square miles).	An application from the District Board under section 3 of the Bengal Sanitary Drainage Act was received on 14th February, 1919, and will be taken into consideration.
5	District Board of Midnapore	Contai Drainage Scheme ...	A complete estimate for the Hijili Drainage project has been prepared. This is a very large estimate and comprises the drainage of several basins: the total estimated cost is Rs. 46 lakhs. It is proposed to take up that portion of the project which deals with the drainage of the basins known as the Pichaboni and Amirabad basins in the course of the year 1919-20.
6	District Board of Howrah	Scheme for the re-excavation of the Kalatala Khal.	The project is under the consideration of Government: plans and estimates are ready.
<i>Water Communications.</i>			
1	District Board and Municipality of Pabna	Scheme for improving the silted up Boral river.	No action yet taken; it is not possible in the present depleted state of the Public Works Department establishment to take up this enquiry which will require a specially selected officer and a staff of subordinates.

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

10.

Will the Government be pleased to make a statement giving the purport of all such resolutions on questions of general public interest as have been either accepted by Government or carried by non-official members in the Bengal Legislative Council during each of the last 5 years, together with a brief note indicating the steps that may have been taken up to date in furtherance of the object of each such resolution?

Resolutions carried in the Bengal Legislative Council during the years 1914-18 and steps taken thereon.

Questions and Answers.

Answer by the Hon'ble MR. KERR :—

" A statement is laid on the table."

Statement referred to in the answer by the Hon'ble MR. KERR to question No. 10 (Unstarred), asked by the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI at the Council meeting of the 18th February, 1919, showing the number of resolutions on matters of general public interest which were either accepted or carried in the Bengal Legislative Council during the years 1914—18.

Serial No.	Subject of resolution.	Date on which resolution was moved.	Accepted or carried.	Action taken by Government on the resolution.
1	2	3	4	5
1	Adequate waterway for the District Board road and railway across the river Banar.	5th August, 1914	Accepted ...	<p>By a Notification No. 10 (Irrigation Department) of the 9th August, 1915, the Bengal Irrigation Act, 1876 (III of 1876), was extended to take effect in the district of Mymensingh.</p> <p>By a subsequent Notification No. 12 (Irrigation Department) of the 16th August, 1915, the Governor in Council was pleased, in exercise of the power conferred by section 40 of the Bengal Irrigation Act, 1876 (Bengal Act III of 1876), to prohibit the formation of any bund or other obstruction to free passage of drainage water within that portion of the river Banar about 2 miles in length, lying within the villages of Joyrampur, Hamidpur and Syampur in thana Jamalpur, pargana Pukharia, in the district of Mymensingh.</p> <p>By a Notification No. 16 (Irrigation Department) of the 12th October, 1915, the Governor in Council was pleased to declare that the Chairman of the District Board of Mymensingh shall <i>ex-officio</i> exercise the powers and perform the duties of a Canal Officer under sections 41 and 42 of the said Act, within the limits of that portion of the Banar river in the district of Mymensingh which was declared as a drainage course under section 40 of the said Act by Notification No. 12.</p> <p>The District Board of Mymensingh undertook to remove the District Board road which had been constructed across the river near its intake from the old Brahmaputra and to clear the obstructions in the river-bed in that portion of the river which had been declared a drainage course and to construct a bridge to carry the road over the river.</p> <p>This work was completed in May, 1916. Similarly the India General Navigation and Railway Company's railway line which is worked by the Eastern Bengal Railway was opened up and a bridge constructed to carry the railway line across the river; this work was completed in January, 1916.</p>

Questions and Answers.

Serial No.	Subject of resolution.	Date on which resolution was moved.	Accepted or carried.	Action taken by Government on the resolution.
1	2	3	4	5
2	Connecting Barisal with Calcutta by rail.	5th August, 1914	Accepted ...	<p>After the acceptance of the resolution in Council, the construction of a broad gauge railway between Khulna and Barisal was recommended to the Government of India; but, when detailed project had been examined, the Governor in Council came to the conclusion that there were serious objections to the scheme as it would interfere with the natural drainage and sanitary conditions of the country. The Government of India accepted the considered views of the Government of Bengal and the scheme was abandoned. This fact was intimated to the Hon'ble Babu Kishori Mohan Chaudhuri in reply to the question put by him in the Legislative Council on the 26th November, 1918.</p>
3	Improvement of the Port of Chittagong.	Ditto ...	Ditto ...	<p>Since the acceptance of these two resolutions, the Government of India (Railway Board), at the instance of this Government, appointed Sir George Buchanan, K.C.I.E., to advise on the engineering works and improvements necessary to make the Chittagong Port suitable for accommodating ships of the largest class and to outline the expenditure the provision of these works would involve. The Report by Sir George Buchanan has been received by this Government and the Commissioners for the Port of Chittagong have now been asked to prepare a comprehensive and detailed programme of works (including the purchase of any dredger or dredgers). This programme will show the total expenditure required, the number of years over which the expenditure should be spread and the amount the Port Commissioners hope to be able to finance from their own resources, in order to enable this Government to decide on the share of financial burden which it can properly undertake and to press on the Government of India the claims of the Port for adequate financial assistance.</p> <p>During the current year, 1918-19, the Port Commissioners have received a Government grant of Rs. 2,50,000, and the Government of India have promised a grant of Rs. 4 lakhs for the next year, 1919-20, for the construction of revetments which are immediately required.</p> <p>Effect has been given to the suggestion in the resolution (No. 3) regarding the improvement of railway communication between the Port of Chittagong and the Eastern districts of Bengal, made by the Hon'ble Babu U. L. Roy, particularly in reference to the construction of a line between Bhairab and Netrakona; for the Mymensingh-Bhairab Bazar Railway (including the Bhairab-Netrakona section) has since been constructed and opened for traffic.</p>
4	Purchase and maintenance of a second dredger for the Port of Chittagong.	26th July, 1915	Ditto ...	

Questions and Answers.

Serial No.	Subject of resolution.	Date on which resolution was moved.	Accepted or carried.	Action taken by Government on the resolution.
1	2	3	4	5
5	Encouragement of small home industries in Bengal	3rd March, 1915	Accepted ...	Government had at that time before them Mr. Swan's report on which such action was taken as is described in the next item. Mr. Ascoli was later deputed to report more particularly on cottage industries. Since the resolution was accepted 123 industrial co-operative societies have been created. As soon as the provincial department of industries is organised as a result of the Indian Industrial Commission's Report the encouragement of home industries will be one of the early subjects which the Director of Industries will investigate.
6	Establishment of Industrial Co-operative Societies in various districts.	Ditto ...	Ditto ...	The Co-operative Department has been stimulating the formation of industrial societies throughout the Presidency as much as possible. A Deputy Collector has been placed on special duty and five inspectors have been appointed in connection with these societies. The number of such societies has risen to 124.
7	Dissemination of agricultural and economic knowledge.	Ditto ...	Ditto ...	The Agricultural Department are sparing no pains to further the object of the Resolutions as far as practicable.
8	Encouragement of agricultural farming, dairy farming, fruit farming and fruit preserving as a profession in life.	Ditto ...	Ditto ...	
9	Establishment of a City Civil Court in Calcutta.	7th April, 1915	Carried by a division.	This resolution was passed by a narrow majority, non-officials only voting. His Excellency in Council took opinions in the matter from the High Court and public bodies and, in view of the divergence of opinions as to the need of such a Court, has determined to take no further action at present.
10	Industrial development of Bengal	26th July, 1915	Accepted.	In addition to the steps already taken as described in the Hon'ble Mr. Beaton Bell's speech of the 26th July, 1915, Government have appointed a Director of Industries through whose activities as Controller of Munitions considerable impetus has been given to certain of the industries of Bengal. Further, Government have sanctioned industrial co-operative societies and have encouraged and helped the Bengal Home Industries Association. The factors which prevented Government from giving effect to some of Mr. Swan's recommendations were first the war and secondly the appointment of the Industrial Commission, the report of which was then awaited.

Questions and Answers.

Serial No.	Subject of resolution.	Date on which resolution was moved.	Accepted or carried.	Action taken by Government on the resolution.
1	2	3	4	5
11	Amendment of Court of Wards Act, 1879.	27th March, 1916	Accepted ...	<p>The resolution recommended that early steps might be taken to obtain official and non-official opinion on the advisability of amending the Court of Wards Act, 1879, with a view to extend its provisions to protect and bring under the direct management of the Court the properties of minor children of deceased tenure-holders and other disqualified members among such tenure-holders.</p> <p>The Board of Revenue was asked to consult Commissioners of Divisions, experienced district officers and managers under the Court of Wards and to furnish Government with an expression of opinions in the matter. Thirteen private gentlemen and eight associations were also asked to express their opinion. Their opinions were received and considered by Government. No action was considered necessary.</p>
12	Provision for kanungos discharged for stoppage of survey and settlement operations.	7th August, 1916	Ditto ...	<p>The resolution recommended that steps might be taken to make provisions as far as possible for kanungos who had been thrown out of employment owing to the stoppage of fresh survey and settlement operations in Bengal.</p> <p>A list of the kanungos thrown out of employment was forwarded to all Departments of the Secretariat, to all Commissioners of Divisions and to all heads of Departments with the request that applications from the kanungos might receive careful consideration in connection with all classes of appointments for which they might be qualified.</p> <p>A list of such of the kanungos as were considered suitable for employment as Civil Court Commissioners was forwarded to all District Judges.</p> <p>A list of such of the kanungos as were considered suitable for employment as collectorate kanungos was forwarded to the Commissioners of Divisions.</p> <p>77 kanungos were thrown out of employment altogether.</p> <p>As the result of the steps taken by Government on the resolution—</p> <p>7 kanungos got permanent appointments as Sub-Inspectors of Police.</p> <p>1 kanungo as Sub-Registrar.</p> <p>1 kanungo as Inspector, Co-operative Societies.</p> <p>2 kanungos as collectorate kanungos.</p> <p>56 came back to the Department, when it was decided not to wait till the end of the war before taking up the Bankura and Jessore settlements. Of these about 15 had been found temporary miscellaneous posts in various offices during the interval.</p>
13	Trial by jury ...	13th December, 1916.	Carried by a division.	<p>The system of trial by jury has been further extended to twelve districts in the Presidency with effect from the 1st January, 1919.</p>
14	Government High School at Burdwan.	Ditto ...	Accepted ...	<p>A scheme has been prepared and a beginning is expected to be made with it next year.</p>

Questions and Answers.

Serial No.	Subject of resolution.	Date on which resolution was moved.	Accepted or carried.	Action taken by Government on the resolution.								
1	2	3	4	5								
16	Damage by floods in certain areas in Burdwan district.	18th December, 1916.	Accepted	<p>In accepting the resolution the Hon'ble Sir Nicholas Benson Bell briefly drew attention to the methods which Government had decided to adopt in dealing with the question of the floods of the Damodar river; as regards the Ajai the Hon'ble Member stated that Government have not at present got a complete programme. Since 1917-18 the programme of works for disposal of the Damodar floods has been in progress and out of the five items of work in the main programme four have been started, viz.—</p> <p>(i) the improvement of the Hoorhoora Khal;</p> <p>(ii) the retirement of the Bazi Khal embankment at the Rupnarain end and the widening of the Khal;</p> <p>(iii) the construction of a channel from Kharia on the Gaighatta Khal to join with the Ghosapatty Khal;</p> <p>(iv) the declaration of certain areas under section 6 of the Embankment Act.</p> <p>Of these (iii) and (iv) have been completed and (i) and (ii) are in progress; there still remains one project to be taken up, viz., the excavation of an escape channel from the 38th mile of the Chetua Circuit Embankment to the 5th mile of the Rupnarain Embankment. The field work of this project has not yet been finally completed, but it will be ready when money is available for carrying it out.</p> <p>In regard to the protection of the area lying between the Ajai and Kunur, the embankments on the south of the Ajai have been strengthened and raised, and one large breach at Sagarputul at the junction of the Schedule D Embankment with the Zamindari Embankment is now being closed.</p> <p>The expenditure incurred on these works and other works for the mitigation of the effects of the floods in these rivers has been as follows:—</p> <table><tr><td></td><td style="text-align: right;">Rs.</td></tr><tr><td>In 1917-18</td><td style="text-align: right;">2,38,338</td></tr><tr><td>In 1918-19 up to 31st January, 1919</td><td style="text-align: right;">1,03,824</td></tr><tr><td>The total probable expenditure of the year is estimated at</td><td style="text-align: right;">2,50,000</td></tr></table> <p>A sum of Rs. 3,16,000 has been provisionally provided in the budget estimate of 1919-20 for the continuation of these works.</p> <p>Investigations for a proposed flood controlling reservoir in the valley of the Barakar river have been completed and designs and estimates for the work are under preparation. A copy of a note on the preliminary stage investigations was placed on the table in the Library at the meeting of the Legislative Council held on the 3rd July, 1918.</p> <p>A sum of Rs. 20,000 has been provisionally provided in the budget estimates of 1919-20 for a continuation of similar investigations in the basin of the Damodar river.</p>		Rs.	In 1917-18	2,38,338	In 1918-19 up to 31st January, 1919	1,03,824	The total probable expenditure of the year is estimated at	2,50,000
	Rs.											
In 1917-18	2,38,338											
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The total probable expenditure of the year is estimated at	2,50,000											

Questions and Answers.

Serial No.	Subject or text of resolution.	Date on which resolution was moved.	Accepted or carried.	Action taken by Government on the resolution.
1	2	3	4	5
16	Gumti floods ...	23rd January, 1917.	Accepted ...	In February, 1917, the Government addressed the Commissioner of the Chittagong Division requesting him to ascertain if His Highness the Raja of Hill Tippera is willing to have a modification of the agreement of 1878, so that in future Government may undertake direct responsibility for the embankments which have hitherto been maintained by him. In November, 1917, the Commissioner of the Chittagong Division was requested to instruct the Collector of Tippera to take action under section 7(1) of the Bengal Embankment Act, II of 1882, with respect to the embankments on either side of the Gumti river within the estate of the Raja of Hill Tippera. The report of the Commissioner of the Chittagong Division under section 14 of the Act is awaited. Further action will be taken on receipt of his reply.
17	Enquiry into the question of Kurseong water-supply with a view to abolishing dual control of the catchment area and vesting such control solely in the municipality.	Ditto ...	Ditto ...	Inquiries showed that there was no ground for substituting the sole control of the municipality for the existing dual control of the municipality and the Forest Department, and the latter was accordingly retained.
18	Roads and communications in Darjeeling.	5th March, 1917	Ditto ...	Government have not taken any further action as financial conditions have not yet reached the normal.
19	This Council recommends to the Governor in Council that the last batch of students of the Belgachia Medical School admitted in the year 1913, and those who failed for the first time in one or two subjects in the Faculty Examination held in November, 1916, be granted an opportunity to appear at the Licentiate Examination of the State Medical Faculty of Bengal as has been previously allowed in the case of other students.	22nd January, 1918.	Carried by a division.	Government could not see their way to accede to the first part of the resolution. With reference to the second part Government granted the concession and allowed such failed candidates to appear up to the first examination in 1919. This concession has been recently extended to include also the November examination of the present year.
20	Instructions in improved methods of agriculture and establishment of demonstration farms.	Ditto ...	Accepted ...	The question of agricultural education has engaged the earnest attention of Government and two agricultural middle schools, one in Eastern Bengal and the other in Western Bengal, will shortly be established. Demonstration farms are being established in certain districts and it is in contemplation to extend the scheme.

Questions and Answers.

Serial No.	Subject of resolution.	Date on which resolution was moved.	Accepted or carried.	Action taken by Government on the resolution.
1	2	3	4	5
21	Enactment of an Impartible or Inalienable Estates Act for Bengal or of an amendment of the Bengal Settled Estates Act.	19th February, 1918.	Accepted ...	<p>The resolution recommended that early steps might be taken to obtain official and non-official opinion on the advisability of an enactment of an Impartible or Inalienable Estates Act for Bengal or of an amendment of the Bengal Settled Estates Act, so as to make it more attractive to the classes for whose benefit the Act was intended.</p> <p>Commissioners of Divisions were asked to ascertain what important families in their Division were subject to the law of primogeniture, to ascertain from the heads of those families as to the need for legislation, to obtain general public opinion on the subject, to make specific recommendations for new legislation or the amendment of the Bengal Settled Estates Act and to submit a report through the Board of Revenue.</p> <p>Eighteen private gentlemen and eight associations were also asked to express opinion. Replies have been received and are under consideration.</p>
22	Teaching of Hygiene and Sanitation in all State-aided schools and the inclusion of these subjects as compulsory subjects for the University Matriculation Examination.	Ditto ...	Carried by a division.	Steps have been and are being taken to impart a knowledge of Hygiene and Sanitation in schools.
23	The formation of a new Public Works Department division to be called "the Damodar Embankment and Drainage Division."	Ditto ...	Accepted ...	<p>The Hon'ble Member in charge of the Public Works Department portfolio pointed out that it must be made clear that it is not possible, owing to the insufficiency of staff, to say that the division will be formed at the beginning of the next official year or even during the currency of the war.</p> <p>The insufficiency of staff still exists, and it is not known when the Department will be restored to its full strength, but proposals have been formulated and worked out for the establishment of a new Irrigation division and a redistribution of the work in the two divisions now styled the Northern Drainage and Embankment Division and the Circular and Eastern Canals Division. These proposals will require the sanction of the Government of India. It is at present intended that the new division will have its head-quarters at Khulna, and the present Northern Drainage and Embankment Division will then be re-constituted as the "Damodar Embankment and Drainage Division".</p>
24	A Standing Committee to be formed for the Damodar Embankment and Drainage Division.	Ditto ...	Ditto ...	By Notifications Nos. 2, 3 and 4 of the Irrigation Department, dated the 22nd October, 1918, Standing Embankment Committees of officials and non-officials were appointed for the districts of Burdwan, Hooghly and Howrah.
25	Domicile of internees in other than insanitary places.	Ditto ...	Ditto ...	Local officers were consulted and any places of domicile considered unhealthy by them have been abandoned, the detainees domiciled in such places being transferred elsewhere.

Questions and Answers.

Serial No.	Subject of resolution.	Date on which resolution was moved.	Accepted or carried.	Action taken by Government on the resolution.
1	2	3	4	5
26	Case of Babu Jyotish Chandra Ghosh, interned under Bengal Regulation III of 1918.	28th March, 1918	Accepted	... A Medical Board was convened and reported on the case as was promised, by the Hon'ble Member in charge.
27	Withdrawal of Government order No. 21 T.—Edn., dated 23rd April, 1917, relating to the promotion of the Subordinate Educational Service.	4th April, 1918	Ditto	... The Government order referred to has been withdrawn.
28	High prices of cloth ...	3rd July, 1918 ...	Carried	... Government appointed a committee to report upon the situation and upon receiving its report, communicated with the Government of India. The subsequent action taken in Bengal was the appointment of a Cotton Advisory Committee, and the licensing of wholesale dealers in Calcutta.
29	Organisation of the cloth weaving industry in Bengal.	Ditto	Accepted	... The Registrar of Co-operative Societies and the Director of Agriculture, Bengal, are doing what is practicable to further the object of the resolution
30	Improvement of cotton cultivation in Bengal.	19th August, 1918.	Carried by a division.	... In view of this resolution a report by the Director of Agriculture indicating the measures that were being taken in connection with the subject-matter of the resolution was published in October last. Mr. N. N. Pillai, Weaving Expert to the Government, was deputed to hold an enquiry as regards the number of "char-kas" in use, their requirements in the way of raw cotton and how these requirements could be met.
31	Exemption of <i>bond-fide</i> Ayurvedic medicines from the provisions of the Excise Act.	Ditto ...	Accepted	... The resolution was given effect to by executive instructions on the lines proposed in Sir Henry Wheeler's speech.
32	Vacancies in the executive branch of the Provincial Civil Services to be filled as recommended by the Public Services Commission.	Ditto ...	Ditto	... The procedure recommended by the Public Services Commission was already in force in Bengal. No change of practice was therefore required.
33	Employment of Muhammadan officers in Court of Wards Estates.	3rd September, 1918.	Ditto	... The resolution recommended that in future wherever practicable, suitable Muhammadan officers might be appointed to be Managers of Muhammadan estates under the Court of Wards. A copy of the resolution has been forwarded to the Board of Revenue.
34	Registration of the names of certain persons under the Schedule to the Bengal Medical Act, 1914.	Ditto ...	Carried by a division.	... For the reasons explained in Council Government were unable to comply with this recommendation.
35	Abuse and difficulties in connection with the circulation of one-rupee notes.	Ditto ...	Accepted	... Government appointed a committee of inquiry, accepted its conclusion and issued executive instructions accordingly.

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

11.

Will the Government be pleased to state whether there was an increase of Rs. 1½ lakhs of expenditure on public health in the municipalities of the Presidency during 1917-18, and if so, the reasons for this increase? Expenditure on public health in municipalities.

Answer by the Hon'ble MR. O'MALLEY:—

"The Hon'ble Member's attention is invited to columns 17 to 37 of Form III appended to the resolution on the working of municipalities in Bengal

Questions and Answers.

during the year 1917-18 (copy laid on the library table), from which it will be seen that the total expenditure under public health and convenience rose from Rs. 39,76,628 to Rs. 41,12,413. The increase on account of water-supply, conservancy, health officers, sanitary inspectors and vaccination charges amounted to nearly one and a half lakhs."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

12.

Sanitary measures at Saugor mela and outbreak of epidemics.

(a) Will the Government be pleased to state what sanitary measures, if any, were adopted at the last Saugor mela so as to prevent the outbreak of epidemics among the pilgrims?

(b) When did the Government first come to know of the outbreak of cholera among the pilgrims of the last Saugor mela, and what precautionary measures have since been taken by the Government to check the spread of the disease?

(c) Will the Government be pleased to state the number of deaths from cholera—

(i) at Saugor Island during the recent Saugor mela; and

(ii) at Calcutta, amongst the pilgrims who returned therefrom?

(d) Will the Government be pleased to state—

(i) what arrangements for drinking water were made by the steamer companies on board the steamers carrying the passengers to Saugor Island, and also by Government at the said island;

(ii) the precautions that were taken against the contamination of such supplies of drinking water; and

(iii) the medical arrangements made at Saugor Island, as also on board the steamers plying between Calcutta and that island?

(e) Are the Government considering the advisability of instituting an inquiry into the circumstances of this outbreak at an early date?

(f) Will the Government be pleased to state what steps they propose to take to prevent a recurrence of similar outbreaks on future occasions?

Answer by the Hon'ble MR. O'MALLEY :—

"(a) The control of the Saugor mela is in the hands of the District Board of the 24 Parganas, which sent three of their Sanitary Inspectors under the Vice-Chairman of the Board (who was also present) to supervise the sanitary arrangements. Latrine accommodation comprised 250 to 300 seats; 39 sweepers were engaged for latrine work. The water-supply was derived from two tanks which were fenced with bamboo and reserved for drinking purposes under a police guard; 221 constables were on duty at the mela. Two other tanks were set aside for bathing and washing utensils, etc. In addition to water from the reserved tanks, some 200 to 300 large jars of water were taken to the mela for the use of the police and others. The mela site was laid out on a definite plan with thoroughfares marked on the ground; temporary quarters were erected for the Police and other supervising officers. The whole area was lighted with incandescent lamps. Some temporary sheds were erected for the treatment and segregation of the sick, and a supply of bamboo bedsteads and blankets provided. Hospital work was placed under the charge of a Sub-Assistant Surgeon. For the disposal of the dead, four Doms were provided. In addition to the medical staff provided by the District Board, the Ram Krishna Mission sent three or four medical men, who were also assisted by a number of volunteers. This voluntary organisation did excellent work during the mela.

(b) The Sanitary Commissioner received intimation on the 17th and at once took action. Telegrams were sent to the Civil Surgeons and District Magistrates of districts through which the main pilgrim routes pass, warning

Questions and Answers

them to take measures against the spread of cholera by returning pilgrims; the Sanitary Commissioners of adjacent provinces were also informed. A Deputy Sanitary Commissioner was deputed to Diamond Harbour and another was sent to consult with the Magistrate of Midnapore with a view to arranging for measures of prevention at Contai and the vicinity. The Railway Companies were addressed and asked to take precautions. Chairmen of municipalities were also communicated with and asked to take immediate steps in case cholera was introduced by returning pilgrims.

(c) (i) and (ii) 9 deaths from cholera occurred at Saugor Island and the Health Officer of Calcutta reports that up to 21st January 217 deaths took place among returned pilgrims in Calcutta.

(d) (i) The attached statement gives the names of the steamers and flats which conveyed pilgrims to and from Saugor Island together with the capacity of the water tanks carried by them. As stated in answer to question (a), there are four tanks on Saugor Island in the vicinity of the *mêla* ground, and two of these were fenced in with bamboo railings and reserved for drinking purposes, being guarded by police. In addition to this, large jars of water numbering 200 to 300 were taken for the use of the police and others at the *mêla*.

(ii) The two tanks reserved for drinking purposes were fenced and guarded, as already stated.

(iii) The District Board arranged for a temporary dispensary and hospital in charge of a Sub-Assistant Surgeon and a compounder was arranged for by the District Board. Besides this the Ram Krishna Mission and the Marwari Association sent three or four doctors and a volunteer staff.

As regards medical assistance on board the steamers, those belonging to the India General Steam Navigation Company and Rivers Steam Navigation Company employed three medical graduates and three officers of the Sub-Assistant Surgeon class. The steamers of Messrs. Hoare, Miller & Co. carried three doctors of the Sub-Assistant Surgeon class supplied by the Marwari Association.

(e) Government have called for and are awaiting a detailed report on the outbreak from the Sanitary Commissioner.

(f) No detailed statement as to the measures advisable to prevent a recurrence of similar outbreaks can be given until the report referred to has been received and considered."

Statement referred to in the answer by the Hon'ble Mr. O'MALLEY to question No. 12 (Unstarred), asked by the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI at the Council meeting of the 18th February, 1919, showing the names of steamers and flats employed to convey pilgrims to and from the Ganga Sagar Mela and the capacity of drinking water tanks in each.

Names of Steamer Agents.	Names of Steamers.	Names of Flats.	Capacity of drinking water tanks by gallons.
Messrs. Hoare Miller & Co.	Sorasi ...	Mohini ...	990
		Basudeva ...	
		Barodha ...	
		Rajani ...	
		Murota ...	
	Sukeshi ...	Tala ...	750
		Kutla ...	
		Wooma ...	
		Kesava ...	
		Monthora ...	
		Jotila ..	

Questions and Answers.

Names of Steamer Agents.	Names of Steamers.	Names of Flats.	Capacity of drinking water tanks by ... gallons.
Messrs. Hoare Miller & Co.	Joti ...	Nalini ...	800
		Alaka ...	
		Radhu ...	
		Sukhoda ...	
	Sakti ...	Bela ...	800
		Abani ...	
		Santha ...	
	Lakshi ...	Bagola ...	800
		Soma ...	
		Taraka ...	
	Kali ...	No. 12 ...	350
		" 18 ...	
		No. 1 ...	
The India General Navigation & Ry. Co., Ltd.	Chanchala ...	No. 11 ...	400
		" 17 ...	
		...	
	Maulmein ...	...	7 tanks, 2,320
	Mergui ...	...	5 " 1,520
	Cambay ...	...	7 " 2,500
	Cochin ...	...	6 " 2,100
	Curlew ...	...	3 " 3,800
	Dhanbandi ...	Teesta ...	3 " 400
		Bishkali ...	Ditto.
		Tapti ...	Ditto.
		Phulpur ...	Ditto.
	Sherani ...	...	3,200
	Buhnerwali ...	...	3,200
	Shinwari ...	...	3,200
	Ghasi ...	...	2,400
	Waziri ...	...	2,400
	Islay ...	...	1,600
	Bartala ...	Kelapur ...	900
		Bagula ...	900
		Chatra ...	900
		Bolan ...	900
		...	400

Each flat had 12 jars (25 gallons each) of water on board, in addition to the tanks.

Raja Sreenath Roy & Brothers.	Radhaballav ...	Mohan ...	One tank containing 400 gallons was placed in each flat and two tanks containing 300 gallons were placed in each steamer. In addition, 85 earthen jars each containing 30 gallons were taken in three separate country boats towed by the steamers.
	Sreedhar ...	Cossipope. Padma. Nurpur. Satyabaty. Lohajang.	
	Bhagyakul ...	...

By the Hon'ble Babu Bhabendra Chandra Ray:—

13.

Cess revaluation proceedings.

(a) In what areas are cess revaluation proceedings going on at present?
(b) With regard to the cess revaluation proceedings that are going on, will the Government be pleased to state—

(i) whether the cultivating tenants who have sub-let any portion of their holdings to under-raiyats and have been recorded in the

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settlement proceedings as *sthitiban-raiyat* or *madhya-sattadhi-kari*, *khajana bridhir jogya* have been assessed to cesses as tenure-holders in respect of their entire holdings;

- (ii) whether agricultural lands in the *khas* possession of zamindars or talukdars, are being assessed on a basis higher than the prevailing rates of rent in the village;
- (iii) whether in the case of such *khas* lands when let out, in *barga* to others, the value of the produce (which is higher than the prevailing rate of rent) has been adopted as the basis for assessment;
- (iv) whether in the case of lands, in respect of which the entries in the record-of-rights show either that no rent is paid by the tenant and accepted by the landlord, or that no rent has been fixed, the valuation for the purpose of assessment of cesses has been generally made much higher than the prevailing rates of rent in the village;
- (v) whether in respect of lands included in the landlord's *khas khatian* as being *patit*, the valuation has been made much higher than the prevailing rates of rent in the village; and
- (vi) whether any cesses are being assessed on *nullas* and *halats*, which though included in the landlord's *khas khatian* are used by the public in general?

Answer by the Hon'ble MR. MCALPIN :—

"(a) Cess revaluation proceedings are at present in progress in the districts of Bakarganj, Midnapore, Mymensingh, Noakhali, Rajshahi and a part of the 24-Parganas.

(b) (i) Yes, except where the sub-letting is of a temporary nature. The practice referred to is in accordance with the provisions of the Cess Act of 1880.

(ii) No.

(iii) An estimate of the value of the produce received by the landlord forms the basis of assessment.

(iv) No.

(v) No.

(vi) Ordinarily *nullas* and *halats* are excluded from assessment."

By the Hon'ble Babu Bhabendra Chandra Ray:—

14.

(a) Have the Government received any representation or scheme from the people of Jessore or from the District Board of Jessore, suggesting the improvement of the water-course of the river Bhairab? Improvement
of the
water-course
of the Bhairab.

(b) If so, have the Government inquired into the possibilities of the proposals contained therein being carried into effect?

(c) What action, if any, do the Government propose to take in regard thereto, and when approximately?

(d) Will the Government be pleased to state whether suggestions for the improvement of water-ways have been received from the people of any other district? If so, what action, if any, do the Government propose to take thereon?

Answer by the Hon'ble MR. COWLEY :—

"(a) and (b) Suggestions for the improvement of the water-course of the river Bhairab have been received at intervals during the last half century from the District Board of Jessore and from persons, both official and non-official,

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interested in the question of the improvement of the rivers of that district. The problem is extremely difficult and complex. Various schemes were submitted by officers of Government between 1865 and 1906 for effecting improvements in the condition of the river. A scheme was worked out in 1906 for draining the *bils* lying on each side of the river into the main river, and for deepening and straightening the channel of the river below Jessore.

The cost of this scheme was estimated to be ten and a half lakhs.

(c) Government do not propose to take any action on the schemes previously prepared, as it was found that they did not entirely meet all the conditions of the problem. As an outcome of the investigations in the Jessore Drainage Division, a new scheme for the improvement of the river, including the admission of water for flushing from the rivers Matabhanga and Nava-ganga, is now under preparation, and it is hoped that a portion of the whole scheme will be ready for the consideration of Government in the course of the year 1919-1920. A sum of half a lakh has been included in the budget of 1919-1920 for making a commencement on the project, if it be found practicable as an engineering proposition.

(d) As regards other districts in the Presidency, suggestions for the improvement of waterways therein have been received from various sources. Action has been taken by Government to investigate problems of this nature from the points of view of navigation, sanitation, drainage or agricultural improvement in the districts of the 24 Parganas, Nadia, Khulna, Dacca, Faridpur and Bakarganj; but it is not practicable within the limits of an answer to the present question to give complete information on the subject."

By the Hon'ble Babu Bhabendra Chandra Ray:—

15.

(a) With reference to the last Resolution of the Government of India on Local Self-Government, have the Government invited the opinions of the different district boards in regard to the suggestions contained therein; particularly on the question of the appointment of whole-time executive officers by district boards as a concomitant of non-official chairmen?

(b) If so, will the Government be pleased to lay all such opinions on the table?

Collection of opinions of district boards on the Government of India Resolution on Local Self-Government.

Answer by the Hon'ble MR. O'MALLEY:—

"(a) The reply is in the negative.

(b) The question does not arise."

By the Hon'ble Babu Bhabendra Chandra Ray:—

16.

(a) Have the Government addressed any communication to the different district boards for the purpose of ascertaining which among them desire to have non-official chairmen, and which are desirous of having official chairmen as heretofore?

(b) Have any district boards (excepting those that are presided over by non-official chairmen) approached Government desiring non-official chairmen?

(c) If the answer to either clause (a) or (b) be in the affirmative, will the Government be pleased to lay on the table the letters which may have been received from the district boards on the subject?

Answer by the Hon'ble MR. O'MALLEY:—

"(a) Government are considering the question of extending to other district boards the right of electing non-official chairmen. They have not yet addressed district boards on the subject.

(b) The answer is in the negative.

(c) The question does not arise."

Official and non-official chairmen of district boards.

*Questions and Answers.***By the Hon'ble Babu Bhabendra Chandra Ray:—**

17.

(a) Are there any inequalities in the rates of pay of the ministerial officers of the civil and criminal courts, as between the Eastern and Western Bengal districts?

Rates of pay of ministerial officers of civil and criminal courts in Eastern and Western Bengal.

(b) If so, will the Government be pleased to make a statement showing these rates of pay in all the different grades, as obtaining in the two parts of Bengal?

(c) If the answer to (a) be in the affirmative, what are the reasons for this inequality, and are there any proposals for its removal?

Answer by the Hon'ble MR. DONALD:—

"(a) Yes.

(b) As to the lower division, the following statement represents the percentage of clerks in different grades. With regard to ministerial officers on pay above Rs. 50 each office is provided for on its own merits.

<i>For District offices in Western Bengal</i>			<i>For Judicial Courts in Western Bengal.</i>		
		Rs.			Rs.
5 on	...	50	5 on	...	50
10 on	...	45	10 on	...	45
20 on	...	40	15 on	...	40
21 on	...	35	20 on	...	35
22 on	...	30	22 on	...	30
22 on	...	25	28 on	...	25
100			100		

<i>For District offices in Eastern Bengal.</i>			<i>For Judicial Courts in Eastern Bengal.</i>		
		Rs.			Rs.
5 on	...	50	10 on	...	50
10 on	...	45	30 on	...	40
22 on	...	40	60 on	...	30
30 on	...	35			
33 on	...	30			
100			100		

(c) The principal reason for this inequality is the fact that the scales for Eastern Bengal and Western Bengal were laid down separately while these areas formed parts of different provinces. The question of the revision of pay of all ministerial officers in order to bring the Eastern Bengal districts and the Western Bengal districts into uniformity was considered in 1915, but financial consideration precluded Government from then giving effect to the scheme."

By the Hon'ble Babu Bhabendra Chandra Ray:—

18.

(a) What are the terms and conditions on which probationers are employed in the offices of civil and criminal courts in Eastern and Western Bengal?

Employment of probationers in the civil and criminal courts in Eastern and Western Bengal.

(b) Is it a fact that unless the probationers succeed in being appointed to a permanent position within a certain period, they are removed from office?

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(c) Is it also a fact that outsiders or officers from other offices are sometimes appointed to permanent positions over the heads of probationers; and that the inability of the latter to secure permanent appointments within the period fixed is sometimes due to such supersessions?

Answer by the Hon'ble MR. DONALD :—

"(a) Candidates as probationers must possess certain educational qualifications, must not be over 22 years of age and must produce a certificate of good moral character. Candidates are frequently selected after examination. The pay of probationers in Eastern Bengal is Rs. 15, and in Western Bengal Rs. 10.

(b) The period of probation is ordinarily limited to two years which may be extended to three years at the discretion of the head of the office. This rule is not strictly enforced.

(c) Probationers have the first claim to officiating vacancies in the office to which they are attached, but for permanent vacancies the head of the office has the power of introducing outsiders who satisfy the rules. As a matter of practice, it is believed to be seldom that other than probationers are given permanent vacancies which arise."

By the Hon'ble Babu Akhil Chandra Datta :—

19.

(a) Is it a fact—

(i) that the District Magistrate, the Sadar Subdivisional Officer and the Superintendent of Police of Bankura are in the habit of touring together in the interior of the district in the same motor car;

(ii) that they tour together regardless of the question whether their concerted action is necessary on any particular occasion or not; and

(iii) that in many districts touring on the part of officials consists more in driving than in actual camping?

(b) Are the Government considering the desirability of instituting an inquiry as to how touring on the part of district officials can be attended with a maximum of advantage to the people and with a minimum of cost to the Government?

(c) Will the Government be pleased to lay on the table a comparative statement showing, district by district and year by year, the amount of travelling allowances drawn by District Magistrates and Superintendents of Police in Bengal during the last five years?

Answer by the Hon'ble MR. KERR :—

"(a) (i) and (ii) No. The officers named have travelled together in the same motor car only on four occasions since the 1st April, 1918, and on each occasion, reasons of a public nature necessitated their doing so.

(iii) The allegation which is here inferred is of too general a character to permit of an answer as to its accuracy.

(b) The whole question was examined three years ago in connection with the report of the District Administration Committee. The Hon'ble Member is referred to the orders contained in Resolution No. 176 A., dated the 10th January, 1916, which was published in the *Calcutta Gazette* of the 12th January, 1916. Government do not think it necessary to issue any further orders on the subject at present.

(c) A statement is laid on the table."

Method of
touring of
certain
Government
officers of
Bankura.

Questions and Answers.

Statement referred to in the answer by the Hon'ble Mr. KERR to question No. 19 (Unstarred) asked by the Hon'ble BABU AKHIL CHANDRA DARTTA at the Council Meeting of the 18th February, 1919, showing the travelling allowance drawn by District Magistrates and Superintendents of Police, Bengal.

Serial No.	NAMES OF DISTRICTS.	1913-14.		1914-15.		1915-16.		1916-17.		1917-18.	
		Amount of travelling allowance drawn by District Magistrates.	Amount of travelling allowance drawn by Superintendents of Police.	Amount of travelling allowance drawn by District Magistrates.	Amount of travelling allowance drawn by Superintendents of Police.	Amount of travelling allowance drawn by District Magistrates.	Amount of travelling allowance drawn by Superintendents of Police.	Amount of travelling allowance drawn by District Magistrates.	Amount of travelling allowance drawn by Superintendents of Police.	Amount of travelling allowance drawn by District Magistrates.	Amount of travelling allowance drawn by Superintendents of Police.
1	Jamshedi	581	1,550	790	1,439	880	936	641	1,240	1,355	1,572
2	Khanna	1,047	1,754	2,000	1,612	5,286	1,764	592	1,143	---	1,032
3	Murshidabad	1,046	1,160	1,406	811	614	1,818	1,355	1,683	1,034	1,608
4	Nadia	973	2,322	1,040	2,126	1,027	2,366	990	2,403	945	2,500
5	24 Parganas	752	1,823	564	2,037	754	5,739	1,744	3,466	1,405	2,812
6	Bankura	939	775	833	1,553	2,272	1,432	2,973	1,964	1,841	1,064
7	Birbhum	545	254	890	1,645	644	1,856	1,493	1,374	1,677	1,302
8	Burdwan	979	2,356	705	2,499	748	1,603	1,467	4,848	2,323	4,926
9	Howrah	237	639	336	532	368	1,018	262	376	807	334
10	Hugli	1,145	1,240	1,015	976	1,484	1,830	1,240	1,825	1,160	1,656
11	Midnapore	2,441	1,931	980	2,776	1,127	3,894	638	4,449	2,059	4,332
12	Baharganj	402	239	1,050	972	1,000	2,239 (a)	799	2,324 (a)	853	2,856
13	Dacca	665	1,941	1,165	1,399	1,670	2,010	1,760	1,392	1,315	1,561
14	Faridpur	1,165	1,396	1,223	1,526	1,350	1,123	954	2,123	955	1,862
15	Meerut	1,463	2,168	1,121	2,217	515	2,353	1,260	1,643	1,040	2,607
16	Rangpur	1,007	633	1,768	983	1,662	851	1,375	1,124	1,426	1,629
17	Palna	743	753	1,322	654	1,617	1,402	1,235	1,750	1,221	540
18	Dinajpur	1,207	1,800	1,318	1,818	1,149	1,944	1,443	1,697	2,343	1,632
19	Jaipur	1,777	2,886	419	2,247	1,791	2,172	1,848	2,794	742	1,649
20	Bahadur	766	1,222	1,484	1,557	1,434	2,005	1,110	2,379	817	2,791
21	Rangpur	1,194	1,301	2,080	2,048	1,645	2,035	1,880	2,956 (a)	1,865	2,545 (a)
22	Malda	1,002	1,767	1,155	1,752	1,123	1,591	1,904	1,541	1,197	1,916
23	Darjeeling	546	2,027	635	2,947	1,034	2,071	896	2,041	1,402	2,211
24	Chittagong	715	1,624	901	775	309	1,798	622	1,890	610	2,894
25	Tippera	1,236	1,315	954	2,665	1,069	1,762	1,451	1,637	1,066	2,736 (a)
26	Noakhali	1,045	1,129	909	1,091	1,184	758	1,567	1,796	2,378	2,326
Total		27,539	27,034	29,251	45,085	21,546	50,226	25,431	54,539	24,363	54,031

(a) Includes travelling allowance of Additional Superintendents of Police.

NOTE.—The figures given in the statement have been compiled from the audit registers and not from the original vouchers, but they may be accepted as approximately correct.

*Questions and Answers.***By the Hon'ble Babu Akhil Chandra Datta:—****20.**

Raising of a fund
in Bankura for
the reception
of His
Excellency the
Governor.

Is it a fact—

- (a) that the Sub-Registrar of Bankura realized a subscription for every document presented for registration before him to raise a fund for the reception of His Excellency the Governor of Bengal on the occasion of His Excellency's last visit to Bankura;
- (b) that he was asked by the District Magistrate of Bankura to raise subscriptions for the above-mentioned purpose and that he realized subscriptions under his orders; and
- (c) that the Munsifs and the Subordinate Judge of Bankura were similarly asked to raise subscriptions from the litigants?

Answer by the Hon'ble Mr. KERR:—

“ The facts are as follows :—

When intimation was received of His Excellency's proposed visit to Bankura, a largely attended public meeting was held and a general reception committee of about 150 members was appointed, including all the leading officials and non-officials. The District Magistrate was elected President of the committee and the sub-registrar was one of the members. One of the resolutions of the meeting was that ‘ the members of the general committee be requested to raise subscriptions and to send the same to the Honorary Treasurer.’ In pursuance of this resolution letters were issued in identical terms by the President of the reception committee to a number of members including the sub-registrar, the secretaries of Bar libraries, the Principal of the College, zamindars, panchayats and others. The subordinate judge and the munsifs were not asked to raise subscriptions. The sub-registrar invited the public with whom he came in contact to subscribe. Out of 95 persons who registered documents while the subscription list was open, 66 subscribed and 29 did not subscribe.

Under the standing orders regarding the participation of Government officers in arrangements for the reception of His Excellency the Governor, they are at liberty to co-operate with non-officials and to preside over or serve on committees formed for the purpose, but they are prohibited from soliciting subscriptions. It has further been laid down that the collection of funds should be left to non-officials to whom it should be made clear that it is entirely optional for the people to subscribe or not. The District Magistrate of Bankura has been informed that his action in issuing an appeal for subscriptions is disapproved by Government.”

By the Hon'ble Babu Akhil Chandra Datta:—**21.**

Apprehended
famine in the
Bankura district.

— Is it a fact that there has been a failure of crops in the district of Bankura, and that there is likely to be a famine in that district?

Answer by the Hon'ble Mr. McALPIN:—

“ The Hon'ble Member is referred to the Press *Communiqué* of the 12th February, 1919, which gives the information required relating to the Bankura district. Copies of the same have been sent to the Hon'ble Member and placed on the Library table.”

Questions and Answers.

By the Hon'ble Babu Akhil Chandra Datta:—

22.

(a) Has the attention of Government been drawn to a certain anonymous correspondence published in the *Epiphany* (a paper published in Calcutta) of the 18th January, 1919, under the heading "A Conjecture" in which the writer said:—

Publication of certain anonymous correspondence on the *Epiphany*.

"Muhammad himself seems to have been a voluptuous man"?

(b) Are the Government aware that the above writing has wounded the feelings and religious susceptibilities of the Moslem Community?

(c) What action, if any, have the Government taken against the writer and the Editor of the *Epiphany* in this connection?

(d) If no action has been taken, are the Government considering the desirability of taking such action?

Answer by the Hon'ble Mr. KERR:—

"The Hon'ble Member is referred to the *communiqué* issued on the 30th January."

By the Hon'ble Mr. Arun Chandra Singha:—

23.

(a) Are the Government aware that Lord Carmichael, while Governor of Bengal, visited the island of Sandwip, and that His Excellency was pleased to promise that steps would be taken to connect it by telegraphic communication with the mainland?

Telegraphic communication with the island of Sandwip.

(b) Will the Government be pleased to state what steps (if any) they have taken to fulfil the promise held out by His Excellency to the people of this island?

(c) If nothing has hitherto been done, will the Government be pleased to state whether they are considering the desirability of establishing a telegraphic communication between this island and the mainland?

Answer by the Hon'ble Mr. DONALD:—

"(a) Government are not aware that His Excellency Lord Carmichael promised that steps would be taken to connect the island of Sandwip by telegraph with the mainland.

(b) The question does not arise.

(c) As explained by His Excellency the Governor on 6th August, 1918, in response to the addresses presented to him at Noakhali, during the war there were large restrictions on the use of telegraph material. As the situation in this respect has now presumably improved this Government will examine further the merits of a connection between Sandwip and Hatiya and the mainland."

By the Hon'ble Babu Ambika Charan Mazumdar:—

24.

(a) Is it a fact that Civil Assistant Surgeons in Bengal are first taken temporarily and afterwards made permanent in continuation of their temporary services?

Temporary services of Civil Assistant Surgeons.

Questions and Answers.

(b) If so, does the temporary period count towards their pension and promotion?

(c) If not, are the Government considering the advisability of making such temporary service count towards their pension?

Answer by the Hon'ble MR. DONALD :—

"In normal times the answer to (a) is in the negative and so questions (b) and (c) do not arise. During the war, however, a certain number of Civil Assistant Surgeons has been recruited temporarily to fill the places of those deputed to military duty. Some of these have been confirmed on the occurrence of permanent vacancies, but in respect of their temporary service the answers to questions (b) and (c) are in the negative."

By the Hon'ble Babu Siv Narayan Mukharji:—

25.

Will the Government be pleased to state—

Relief measures
in flood-stricken
areas.

(a) what steps have been, or are being, taken in order to give effect to the relief measures foreshadowed in His Excellency the Governor's reply to the memorial presented on the 6th February, 1918, by the inhabitants of the flood-stricken area—

(i) by widening the Rohra *khal*,

(ii) by connecting the Kana Nadi with the Sarda *khal* by means of a channel, and

(iii) by widening the Gopimohunpur *khal*,

with a view to drain away the spill of the Damuda;

(b) the nature and extent of the investigations carried on during the last flood season by the Public Works officer placed on the Damuda right embankment at Baikantapur; and

(c) whether, in the event of such investigations proving of considerable value, Government are considering the advisability of undertaking similar trial investigations at some such important centres as Khanakul in the Arambagh sub-division of the Hooghly district?

Answer by the Hon'ble MR. COWLEY :—

"(a) (i) The Rohra *khal* is being surveyed: it is understood that the survey is approaching completion.

(ii) and (iii) The questions of connecting the Kana Nadi with the Sarda *khal* by means of a channel and of improvement by widening of the Gopimohunpur *khal* were investigated by Mr. Addams-Williams in April, 1918. As it is not anticipated that any good or stable results will follow the execution of either of these works, the proposals have been dropped.

(b) The inquiries made by the Public Works Department officer posted on the right bank of the Damodar at Baikantapur are confined to the embankment itself. As there was no flood of any magnitude during the year 1918, no observations could be made.

(c) No; Government do not consider any further observations are required at present, beyond those now being made in connection with the Rohra *khal*."

*Questions and Answers.***By the Hon'ble Maulvi A. K. Fazl-ul-Haq:—****26.**

(a) Is it a fact—

- (i) that in connection with the festival of St. Andrew's Day, the Rev. W. Thomson in the course of a sermon at St. Andrew's Church spoke as follows:—

Offending sermon
at St. Andrew's
Church.

"A low type of religion may simply drive a man into unspeakable mire. An imperfect and incomplete religion, like Islam, may destroy the hope of full intimate personal communion with God, so great and paralysing is the gulf between Allah and the creature He has made, so far is the devotee from the assurance and joy of the Christian, comforted by the spirit 'bearing inward witness that he is God's Son;'"

(ii) that His Excellency the Governor was present when the sermon was delivered; and

(iii) that the Reverend gentleman in question receives a salary from public revenues?

(b) (i) Will the Government be pleased to state whether the Press Censor brought this matter to the notice of Government?

(ii) If so, when? and

(iii) What action, if any, have the Government taken in the matter?

(c) If no action has been taken in the matter, are the Government considering the desirability of taking some action in connection with this matter?

(d) If no action is proposed to be taken, will the Government be pleased to state the reasons for not taking any action?

Answer by the Hon'ble MR. KERR:—

"(a) (i) This passage appears in the reports of the sermon published in the newspapers, and Government have no reason to believe that they are incorrect.

(ii) and (iii) Yes.

(b), (c) and (d) The Press Censor brought the matter to the notice of Government on the 7th December, but in the opinion of the Local Government there was no occasion for interference on their part, and to that opinion they adhere."

By the Hon'ble Maulvi A. K. Fazl-ul-Haq:—**27.**

(a) Has the attention of Government been drawn to a letter published in the *Epiphany* of the 18th January under the heading "A conjecture" containing the following passage:—

Publication of
an objectionable
letter in the
Epiphany.

"Muhammadan world has been no philosopher in the true sense of the word nor has any freethinker born in them. Its founder Muhammad himself seems to have been a voluptuous man and as such he has established such a bad institution. We find not any such attribute in him that were possessed by the two latter. He had no touch of philosophy, and the Quran is but the translation of the Bible, only something altered."?

Questions and Answers.

(b) (i) Has the Press Censor drawn the attention of the Government to this passage?

(ii) If so, when? and

(iii) What action, if any, are the Government taking in the matter?

(c) Are the Government considering the desirability of taking action against the paper under the Indian Press Act, 1910, or the Defence of India Criminal Law (Amendment) Act, 1915, or in any other manner that the Government might be advised?

(d) If no action is proposed to be taken, will the Government be pleased to indicate why writings such as those which have been put in the *Epiphany* are allowed to pass with impunity?

Answer by the Hon'ble MR. KERR :—

"The Press Censor brought the matter to the notice of Government on the 23rd January. For an answer to the rest of the question, the Hon'ble Member is referred to the *communiqué* which was issued on the 30th January."

By the Hon'ble Maulvi A. K. Fazl-ul-Haq:—

28.

Will the Government be pleased to state—

(a) the names of the lawyers who were consulted by the Government for ascertaining whether action under the Indian Press Act, 1910, could not be taken against the Editor of the *Epiphany* with respect to the matter which appeared in the columns of the paper recently; and

(b) whether the question of taking action against the said Editor under the Defence of India Criminal Law (Amendment) Act, 1915, and the rules made thereunder had been considered by Government; if so, will the Government be pleased to state the decision arrived at together with the reasons for such decision?

Answer by the Hon'ble MR. KERR :—

"The Legal Remembrancer and the Advocate-General were consulted. They advised that the publication of the letter would not justify action under the Press Act or under any other Act, or under the Defence of India (Consolidation) Rules, 1915."

By the Hon'ble Maulvi A. K. Fazl-ul-Haq:—

29.

Will the Government be pleased to lay on the table the papers in connection with the action that they have taken with regard to the writings appearing in the *Epiphany* containing offensive references to the Hindu and Mussalman religions?

Answer by the Hon'ble MR. KERR :—

"The action of Government has been fully explained in the *communiqué* which was issued on the 30th January, and it is not proposed to lay any further papers on the table."

Institution of legal proceedings against the Editor of the *Epiphany*.

Publication of papers re action taken against the *Epiphany*.

Questions and Answers.

By the Hon'ble Mr. W. H. H. Arden-Wood:—

30.

(a) Will the Government be pleased to say if anything has been done to give effect to the recommendations of the Board of Management of the Calcutta Commercial Institute regarding the appointment of a Principal?

(b) Has any attempt been made to secure a Principal in India?

Appointment of a Principal for the Calcutta Commercial Institute.

Answer by the Hon'ble Mr. O'MALLEY:—

“(a) and (b) In pursuance of the recommendation of the Advisory Board of the Commercial Institute that a highly qualified Principal should be appointed at once and the post advertised for in India, the Government of India have been requested to move the Secretary of State to sanction the creation of a post for the Principal in the Indian Education Service and to grant permission to this Government to advertise for the appointment in India. No orders have yet been passed on this Government's proposal.”

By the Hon'ble Maulvi Abul Kasem:—

31.

(a) (i) Has the attention of Government been drawn to a letter published in the *Epiphany* of the 18th January, 1919, headed “A Conjecture”?

Publication of an objectionable letter in the *Epiphany*.

(ii) Are the Government aware that the whole letter as well as some of its passages are offensive to the Muhammadans and insulting to the religion of Islam and its Prophet?

(b) Are the Government considering the desirability of taking some action in the matter?

(c) Will the Government be pleased to consider the desirability of taking action against the publishers of the paper under the Indian Press Act?

Answer by the Hon'ble Mr. KERR:—

“The Hon'ble Member is referred to the *communiqué* which was issued on the 30th January regarding this matter.”

By the Hon'ble Maulvi Abul Kasem:—

32.

Will the Government be pleased to state—

(i) how many officers of the Calcutta Police have been promoted to the rank of Assistant Commissioner in 1918, and how many of them are Muhammadans, Hindus and Christians, respectively;

(ii) the total number of Assistant Commissioners and Superintendents in the Calcutta Police, and how many of them are Muhammadans, Hindus and Christians, respectively;

(iii) how many subordinate officers have been promoted to the rank of Inspector in the Calcutta Police in 1918, and how many of them are Hindus, Muhammadans and Christians, respectively; and

(iv) the total number of Inspectors in the Calcutta Police, and how many of them are Muhammadans and how many of the latter are special officers brought from the Frontier Province for Kabul guard duty?

Promotion and appointment of certain officers of the Calcutta Police.

. Questions and Answers.

Answer by the Hon'ble MR. KERR :—

" (i) Two Inspectors were promoted to the rank of Assistant Commissioner in 1918. One of them was a Hindu and the other a Christian.

(ii) There are ten Assistant Commissioners in the Calcutta Police. Four of them are Hindus and six are Christians. There are now no officers of the rank of Superintendent.

(iii) Four officers were permanently promoted to the rank of Inspector during 1918. Two of them were Hindus and two Christians.

(iv) There are 31 permanent and substantive *pro tempore* Inspectors in the Calcutta Police. Of these 15 are Christians, 14 are Hindus and 2 are Muhammadans. One of the Muhammadans is a special officer from the North-West Frontier Province, employed on duty in connection with Kabuli emigrants."

By the Hon'ble Maulvi Abul Kasem:—

33.

Promotion of
Babu Narayan
Chandra
Chatarji of
the Calcutta
Police.

(a) Is it a fact that Babu Narayan Chandra Chatarji, a Sub-Inspector in the Calcutta Police, has recently been promoted to an Inspectorship and that there are Muhammadan officers who are senior to him?

(b) If so, will the Government be pleased to state the educational qualifications of Babu Narayan Chandra Chatarji and of the Muhammadan officers whom he has superseded with the reasons for such supersession?

Answer by the Hon'ble MR. KERR :—

" (a) Babu Narayan Chandra Chatarji has recently been temporarily promoted to be Inspector to fill a special appointment as Court Inspector for which special training is necessary. There is one Muhammadan Sub-Inspector who is senior to Sub-Inspector Narayan Chandra Chatarji.

(b) Officiating Inspector Narayan Chandra Chatarji has read up to the B.A. Standard of the Calcutta University, and the Muhammadan officer above him is a graduate (B.A.) of the Allahabad University. Babu Narayan Chandra Chatarji has been promoted temporarily to fill a special appointment for which he has had special training and has shown special aptitude. The Muhammadan officer has, as a matter of fact, not been superseded so far as permanent promotions are concerned, and will ordinarily resume his position above Babu Narayan Chandra Chatarji when, both come to be confirmed as Inspectors."

By the Hon'ble Maulvi Abul Kasem:—

34.

Minimum
qualifications
for appointment
in the Calcutta
Police.

(a) Is it a fact that the B.A. degree has been prescribed as the minimum qualification for appointment in the Calcutta Police?

(b) If so, will the Government be pleased to state whether this rule is followed?

Questions and Answers.

(c) Will the Government be pleased to state—

(i) the total number of Sub-Inspectors appointed directly in 1916, 1917 and 1918,

(ii) how many of them were Muhammadans,

(iii) how many of these Sub-Inspectors so appointed were not graduates, and

(iv) how many of these non-graduate Sub-Inspectors are relatives of high officers of the Calcutta Police?

Answer by the Hon'ble MR. KERR :—

“(a) The B.A. degree has been prescribed as the minimum qualification for appointment as Sub-Inspector in the Calcutta Police.

(b) Yes.

(c) (i) Twenty-three.

(ii) Five were Muhammadans. In addition, two Muhammadan Sub-Inspectors were appointed on transfer, one from the Bihar and Orissa Police and one from the Army. Other Muhammadan candidates were selected for appointment but failed to pass the medical examination.

(iii) Three of the 23 Sub-Inspectors appointed direct are under-graduates; but they were appointed before the B.A. degree was fixed as the minimum qualification for appointment as Sub-Inspector in the Calcutta Police.

(iv) None of these three under-graduates are related to high officials of the Calcutta Police, but one, a Muhammadan, is a brother of a Sub-Inspector in the Calcutta Police.”

By the Hon'ble Maulvi Abul Kasem :—

35.

(a) Is it a fact that a Muhammadan Inspector, Khan Sahib Abdur Rahim, was refused extension of service at a time when the post of Assistant Commissioner was first created, and that he stood first in seniority among all his contemporary Inspectors?

Extension of service of Khan Sahib Abdur Rahim of the Calcutta Police.

(b) Is it also a fact that a Hindu Inspector, Rai Sahib Baidya Nath Mukherji, was promoted to the post of Assistant Commissioner when he was already on extension and that since then he has received further extensions?

Answer by the Hon'ble MR. KERR :—

“(a) Khan Sahib Abdur Rahim retired in September 1915 on superannuation pension after he had received three extensions of service. His retirement took place some months before the rank of Assistant Commissioners was first created.

He stood tenth in seniority among the Inspectors at the time of his retirement.

(b) Rai Sahib Baidya Nath Mukharji was promoted to the post of Assistant Commissioner in March 1918. He attained the age of 55 years on the 1st July, 1916, and was given extensions of service for 2½ years in all. He finally retired on the 1st January, 1919.”

Questions and Answers.

By the Hon'ble Rai Mahendra Chandra Mitra Bahadur:—

36.

Qualifications,
etc., of students
admitted into
the Medical
College, Calcutta.

Will the Government be pleased to state the number of regular students admitted into the Medical College, Calcutta, during each of the last six years, showing in a tabular form their respective University qualifications, nationality and religion?

Answer by the Hon'ble MR. DONALD:—

“A statement is laid on the table.”

Statement referred to in the answer by the Hon'ble MR. DONALD to question No. 36 (Unstarred) asked by the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR at the Council meeting of the 18th February, 1919, showing the total number of regular students admitted into the Medical College, Calcutta, during the past six years, their respective University qualifications, nationality and religion.

Year.	Total number admitted.	Qualifications.	Religion.	Nationality.
1918	154	B.Sc. ... 13 B.A. ... 3 I.Sc. ... 95 I.A. ... 20 Senior Cambridge. 3 Matriculation 19 School Final 1 Total ... 154	Hindus 136 Mahomedans 7 Anglo-Indians 4 Indian Christians 3 Ceylonese Christian. 1 Buddhists 3 Total 154	Bengalis 126 Biharis and Uriyas. 10 Nepalese 2 Central Provinces 2 Madrassi 2 Assamese 5 Ceylonese 1 Burmese 2 Anglo-Indians 4 Total ... 154
1914	154	B.Sc. ... 13 B.A. ... 4 I.Sc. ... 98 I.A. ... 15 Senior Cambridge. 3 Matriculation 20 School Final 1 Total ... 154	Hindus 132 Mahomedans 11 Buddhist ... 1 Indian Christians. 6 Anglo-Indians 4 Total 154	Anglo-Indians 4 Bengalis 123 Beharis and Uriyas. 17 Nepalese ... 1 Marhatti ... 1 Burmese ... 1 Assamese ... 6 Madrassi ... 1 Total ... 154
1915	162	M.A. ... 1 B.A. ... 3 B.Sc. ... 19 I.Sc. ... 106 I.A. ... 23 Senior Cambridge. 4 Sub-Assistant Surgeons. 5 Matriculation 1 Total ... 162	Anglo-Indians 3 Hindus 147 Mahomedans 9 Parsi ... 1 Ceylonese 1 Christian. 1 Buddhist ... 1 Total 162	Anglo-Indians 3 Bengalis ... 136 Beharis and Uriyas. 11 Parsi ... 1 Madrassis ... 2 Ceylonese ... 1 Burmese ... 2 Assamese ... 6 Total ... 162

Questions and Answers.

Year.	Total number admitted.	Qualifications.	Religion.	Nationality.
1916	167	M.Sc. ... 1 B.Sc. ... 39 B.A. ... 3 I.Sc. ... 108 I.A. ... 12 Sub-Assistant Surgeons 3 Matriculation 1 Total ... 167	Hindus 159 Mahomedans 7 Buddhist 1 Total 167	Bengalis 141 Biharis and Uriyas. 17 Assamese 6 Burmese 2 Marwari 1 Total ... 167
1917	164	M.Sc. ... 1 B.Sc. ... 84 B.A. ... 5 I.Sc. ... 113 I. A. ... 11 Total ... 164	Anglo-Indian 1 Hindus 151 Mahomedans 10 Indian Christian 1 Parsi ... 1 Total ... 164	Anglo-Indian 1 Bengalis 135 Biharis and Uriyas. 18 Assamese ... 6 Burmese ... 1 Nepalese ... 1 Parsi ... 1 Panjabi ... 1 Total ... 164
1918	167	M.A. ... 1 B.A. ... 9 B.Sc. ... 44 I.Sc. ... 100 I.A. ... 12 1st M.B. ... 1 Total ... 167	Hindus ... 148 Mahomedans... 13 Budhiets ... 2 Parsis ... 2 Indian Chris- tians. 2 Total ... 167	Bengalis ... 137 Beharis and Uriyas. 18 Assamese ... 7 Burmese ... 3 Parsis ... 2 Total ... 167

By the Hon'ble Rai Maheendra Chandra Mitra Bahadur:—

37.

(a) Will the Government be pleased to lay on the table a statement containing particulars as to the amount of money spent up to January, 1919, under the head of Irrigation—Minor Works and Navigation, in connection with the following items, sanctioned in the current year's budget, and the nature of the works done, namely:—

- (1) preliminary works in connection with the Damodar reservoir scheme;
- (2) projects for mitigating the effect of floods in the Burdwan Division, namely:—
 - (i) the improvement of the Baxi and Ghespati *Khals*;
 - (ii) the raising of the Ajai embankments necessary for the prevention of floods; and
 - (iii) the Hoorhoora-*khal* scheme;

Particulars as to amount spent under certain heads in the Public Works Department budget.

Questions and Answers.

- (3) creating a spill from the Bidyadhari river;
- (4) works in connection with the inquiry relating to the improvement of the Dhaleswari and Booriganga rivers;
- (5) silt clearance in Tolly's Nalla;
- (6) improvement of navigation channels of the river Ganges; and
- (7) dredging the Bhagirathi entrance.

(b) Is the balance of the budget grant referred to in clause (a) above likely to be spent during the current official year?

Answer by the Hon'ble MR. COWLEY :—

"The statement is placed on the table."

Statement referred to in the answer by the Hon'ble MR. COWLEY to question No. 37 (Unstarred) asked by the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR at the Council meeting of the 18th February, 1919, showing the amounts spent on certain irrigation works.

DESCRIPTION.	Original budget provision.	Revised budget provision.	Actual expenditure to 31st January 1919.	Probable total expenditure to 31st March 1919.	REMARKS. (Nature of work.)
	Rs.	Rs.	Rs.	Rs.	
1. Preliminary works in connection with the Damodar reservoir scheme.	20,000	12,200	8,900	13,550	Surveys, levels, discharge and silt observations and general investigation work. Preparation of plans, estimates and designs for reservoir dam.
2. Projects for mitigating the effect of floods in the Burdwan Division, namely :—					
(i) The improvement of the Buxi and Ghesapati khals.	44,000	44,000	45,136	46,000	Earthwork.
(ii) the raising of the Ajai embankment necessary for the prevention of floods, and	23,000	22,000	20,824	22,000	Ditto.
(iii) the Hoorhoora khal scheme	1,22,000	1,33,000	3,215	1,33,000	Land acquisition and earthwork.
3. Creating a spill from the Bidyadhari river.	3,00,000	3,00,000	1,50,305	2,91,000	Land acquisition, opening up spills, earthen groins, surveys and levels.
4. Works in connection with the inquiry relating to the improvement of the Dhaleswari and Booriganga rivers.	15,000	23,036	18,283	23,000	Surveys, levels, gauge observations and investigations into conditions of rivers, flood slopes, drainage basins and preparation of plans, sections and estimates.
5. Silt clearance in Tolly's Nalla ...	7,900	14,000	9,248	11,000	Earthwork and hydraulic observations.
6. Improvement of navigable channels of the river Ganges.	10,000	10,000	4,134	9,210	Bandelling.
7. Dredging the Bhagirathi entrance.	15,000	4,000	2,436	3,000	Bandelling—no dredging has been done.

*Questions and Answers; The Bengal Village Self-Government Bill.**Sir Henry Wheeler; Maulvi A. K. Fazl-ul-Haq.***By the Hon'ble Rai Mahendra Chandra Mitra Bahadur:—****38.**

(a) Is it a fact that the book entitled "Rules and Orders of the Education Department, Bengal" has long been out of print?

Republication
of the "Rules
and Orders of
the Education
Department,
Bengal."

(b) If so, from when?

(c) Are the Government aware of the fact that members of the managing committees of high schools are being taken to task by the inspecting officers of the Education Department for not keeping a copy of this book in the libraries of their schools?

(d) Will the Government be pleased to state the approximate number of applicants who have not yet been supplied with this book?

(e) Are the Government considering the advisability of republishing this book?

Answer by the Hon'ble MR. O'MALLEY:—

"(a) Yes.

(b) May, 1915.

(c) No.

(d) Approximately about 300.

(e) A revised edition of the book is almost complete and will shortly be published."

LIST OF BUSINESS—ITEM No. 3.**THE BENGAL VILLAGE SELF-GOVERNMENT BILL, 1919.**

The Hon'ble Sir Henry Wheeler moved that the Report of the Select Committee on the Bengal Village Self-Government Bill, 1919, be taken into consideration.

LIST OF BUSINESS—ITEM No. 4.

The Hon'ble Maulvi A. K. Fazl-ul-Haq moved, by way of amendment, that the Bill, as amended by the Select Committee, with the Report of the Select Committee, be republished.

He said:—

"My Lord, in bringing forward this motion, I beg to assure this Council that it is not my intention to delay by even a single day the introduction of a measure which, I can well foresee, augurs well for great improvements in the condition of the rural population of this Presidency. We are all agreed that so far as lessons in self-government are concerned, it is in the villages that the

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elementary principles must first be learned and that it is by experience in the lowest rungs of the ladder that we can aspire to a higher and higher measure of self-government in this country. It is because, my Lord, I feel the importance of this question that I have ventured to bring forward this motion in order that the public at large may have the fullest opportunity, not merely to discuss the provisions of the Bill as they now stand, but also in the light of experience and of local knowledge to place before your Excellency's Government such recommendations as will ultimately conduce to the success of this measure. It will be within the recollection of this Council that the Bill was originally introduced on the 4th April, 1918, and, in accordance with the rules, the Bill was duly published and circulated to various public bodies including District Boards, and to various leaders of public life and political thought in this country. A large volume of opinions has been collected when the Bill went into the Select Committee, and there are indications that all these opinions were very carefully considered, and I must say that the Select Committee devoted a good deal of time and labour in order to bring the provisions of the Bill in conformity with the opinions that had been expressed. But when all is said and done, it will at once appear from the list of amendments in the agenda paper that although substantial amendments have been made, the provisions as they stand are far from being satisfactory. There is one matter, for instance, to which I should like to draw the attention of this Council. There was a proposal at first to have a system of circle boards, which would have authority over what was originally thought to be village Committees, and these circle boards to work under the directions of the district boards. The Select Committee has done away with this proposal for having circle boards, the idea being that the work that was proposed to be made over to the circle boards would continue to be done by the present system of local boards. Whether the proposal for having circle boards or whether the suggestion of the Select Committee that it will be better to stick to the present system of having local boards—whether either of these two suggestions represents the considered opinion of the leaders of public thought in this country is a question which I need not discuss. But the fact remains that as soon as we get out of the very narrow area of operations as represented by the village committees, or the union boards, there are difficult and complicated problems which ought to be solved and solved in such a manner that the introduction of a system of self-government may be something like a real substantial measure. Having considered this question from the point of view which I am now submitting before this Council, I find, my Lord, that there are certain difficulties in the way—difficulties which in my opinion can hardly be ignored and which in some respects appear to me to be of a somewhat insurmountable character. I have read some of the opinions, and one comes from a gentleman who occupies the position of a non-official chairman of a district board in this presidency, who thinks that taken all in all the Bill itself is a retrograde measure and ought not to be introduced in this Council. So far as that opinion is concerned, I beg to differ from him: I do not consider this to be a retrograde measure, provided only some amendments perhaps of some substantial nature are made in the provisions of the Bill. But when all these matters are considered it will be seen that the Bill after it has emerged out of the Select Committee has been so thoroughly recast that it is necessary in the interests of all concerned that the public should once again have an opportunity of expressing their views on the provisions of the Bill. It may be said that with all these amendments before us, this Council will have the fullest opportunity of discussing them, and after these discussions it will be time enough to consider whether the law as it stands or as it will stand after the amendments are accepted by this Council, or at least some of them have been accepted, will or will not satisfy the requirements of the case. But, my Lord, it is one thing for Hon'ble Members here in taking part in the debate, which will be more or less of a formal,

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nature, to suggest amendments, and it is quite another thing for the public at large, who have more time and leisure at their disposal and who have got not only experience but local knowledge to guide them, to put forward suggestions and amendments. Here an amendment will be discussed on the motion of a particular member, and according to the rules of discussion in this Council we will have an opportunity of expressing our views on it, but after all the suggestions in that case will come from a small number of say 30 to 40 persons, whereas if the Bill is republished the whole country at large or at any rate a large section of the intelligent public who take an interest in public affairs will have an opportunity of considering the provisions of the Bill and of expressing their opinions once more upon it. It may be said that a course like this will entail some delay. I have no doubt that there will be some delay, but I venture to ask, is there any merit in an important measure like this being passed in a hurry? Is there any merit in a measure like this being passed on the 18th February, 1919, or after two or three months? If the country could wait so long, surely it could wait a few months more, particularly when changes of a far-reaching nature are in contemplation. Would it not be better to wait for some time more and find out the trend of public opinion and ascertain in what way the public opinion expresses itself in laying the foundations of a system of self-government in the rural areas of this Presidency? The publication or republication of the Bill is a suggestion which, as far as I have been able to ascertain from the recorded proceedings of this Government, is of a somewhat novel character. It is provided for in the rules—I am referring to rule 46, which provides that any member may move that a Bill which has been amended by the Council, or by a Select Committee, be republished or be recommitted to the Select Committee.

There are precedents for recommitment to a Select Committee, but I have not been able to find any precedent for the republication of a Bill, but if my suggestion is of a somewhat novel character, I seek justification in the fact that the Bill itself is one of the most important that have yet come up before this Council. It is something more important than the Food Adulteration or the Ghee Adulteration Bill—it is even more important than the Hackney Carriage Bill, or I may say so, it is more important than the Hon'ble Babu Surendra Nath Ray's Primary Education Bill. Education may be a matter of very great importance—no doubt it is. But the Bill in its provisions touches the life of the people, and if I may say so, it impinges on the activities of their every day life. There are provisions which will have far-reaching effects on the life of the villagers in the mufassal; there are provisions for village courts, village benches, and although the Select Committee have not made any substantial amendments, it may be that the Select Committee have not been able, I say so with the utmost respect to the members, to take into consideration some of the outstanding features of village life in this Presidency. If, at the present moment, I submit for the consideration of this Council that the Bill be republished, it is solely from a desire that the provisions of the Bill may have another consideration at the hands of the public who take an intelligent interest in public affairs and who have so far manifested a desire to express their opinion on public questions. I may say, although I say so with some respect, that there is a little defect in the Indian character to postpone things as indefinitely as possible. There are some very important measures which when introduced arouse tremendous opposition in the country. Government announces its intention of making legislation on these lines; and at that time the leaders keep quiet; but as soon as the thing is entirely ready and has taken some shape, a storm of opposition is raised which it is very difficult to ignore: that is due to that trait in the Indian character which I have submitted. Even when there was this proposal of introducing a system of

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self-government, there are many of us who thought perhaps it was only a pious wish and that it would not come soon and did not go seriously into it, unless and until the Bill was committed to the Select Committee, and when the Select Committee sat over it, deliberating over the provisions and then submitted their Report to this Council, then and then only we woke up to the responsibilities of our position, and within the 14 days at our disposal we managed to send in notices of our amendments which came up to about 283 in number. I say all this because I feel that the country at large has now realised that Government is in earnest in introducing a measure of this kind, and whether they express their opinion or not, if they have got ultimately to complain, they will have themselves to blame, and judgment will go against them by default. The people do realise it now; and therefore I venture to hope that if this Bill is republished, your Excellency's Government will find suggestions of a very important character coming from unexpected sources.

I do not wish to take up the time of this Council, because, shortly put, my reason is that in view of the very great importance of the provisions of the Bill and in view of the importance of the measure itself, it is necessary that the matter should be considered and reconsidered; and, if possible, considered again before it is put on the Statute Book. There is nothing to be lost in a little delay, there may be much for which we may have to regret by hurry, and since there is no great urgency in the measure I beg respectfully to submit that the public should be given another opportunity, in view particularly of the fact that the Select Committee have made substantial amendments and that the Bill as it has emerged out of the Select Committee is in many respects a totally different measure from the one on which public opinion had been collected before the commitment of the Bill to the Select Committee.

With these few words, I beg to commend this motion for the acceptance of your Excellency's Government and of this Council."

The Hon'ble Sir Henry Wheeler said:—

"My Lord, I am unable to advise the Council to accept the amendment which has been moved. When I received notice of it, I was at some loss to imagine the reasons which the Hon'ble Member would put forward in its favour; and I must say that, even now, after having heard his speech, I am still not clear, beyond the generalities with which he has favoured us, why precisely we should take the course which he now desires: neither does his argument seem to me to be always consistent. He begins by saying that he has no desire to delay a measure which, he admits, augurs well for the future of village self-government, and he is himself conscious of the importance of the development of that side of the administration. Then he proceeds to argue that as we have gone on so far without these changes, we may as well go on a little longer, and finally he holds out the prospect that even if we republish the Bill for general consideration now we might, even on receipt of the replies, advantageously do so a third time. Surely the disclaimer with which he opened his speech and the statement with which he closed it are hardly consistent.

Apart from this, as far as I followed him, his theory is that the Select Committee has materially recast the Bill and made changes of principle in it which render it, in fact, a different measure from what it was when Sir S. P. Sinha introduced it in April, 1918. That contention, Sir, I do not think is valid, nor will it be borne out by a study of the amendments proposed by the Select Committee. The one main amendment of substance which we made in the Select Committee was to drop circle boards; but even that was not a proposal which sprang from the heads of the members of the Select Committee, having no basis anywhere else. It was merely action taken after consideration of the opinions that were received and the criticisms that were

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urged by those whom we consulted. Assuming that the circle boards be dropped, it cannot be said that we have made any further radical departure, because we have fallen back on the existing system of local boards, and we have not, therefore, materially changed the lines of the present Local Self-Government Act. I think I remarked at a previous meeting that we discarded the idea of doing away with local boards, leaving the whole administration to be run by district boards, working possibly through the medium of standing committees, which might have been described as a revolutionary change in the Bill as originally framed. Apart from that, I think it can be shown that our amendments are largely verbal and consequential, following, for instance, from the dropping of circle boards, and our changes in nomenclature by the adoption of the words 'union board', 'union bench' and 'union court'; other verbal changes were designed to render various sections more clear, or to embody what seemed to us to be improvements. But, in substance, the Bill as it emerged from the Select Committee remains what it was when it was sent to the Select Committee: that is to say, the Bill is designed to set up small local authorities in groups of villages called unions; to put in the hands of those local authorities the old functions of *chaukidari* panchayats and the duties of the local self-government union committees; to give them extended powers in matters of sanitation and the like, so that they may exercise a greater influence for good, and to give them slightly wider powers of taxation so that they can finance these improvements; finally the Bill attaches to selected members of union boards certain minor criminal and civil powers. That is what the Bill started with and that is what the Bill has ended with, at its present stage, and it cannot correctly be said that it is substantially different from what it was originally. If that is so, I maintain that it cuts away most of the grounds of the hon'ble mover's proposal; and it is also curious that he can only tell us in very general terms that the provisions are still far from satisfactory. That is a generalisation which it is perfectly easy to make, but we surely may ask for a little more detail. The only specific point he mentioned was the abolition of circle boards, with which I have already dealt, although I am not clear whether the hon'ble member himself approves or disapproves of that change. It is noticeable that it has not been challenged in any amendment. Otherwise, he tells us vaguely that the question is full of problems and difficulties, but that does not carry us much further. It brings us, however, to another curious proposition of the hon'ble member, namely that this Council is not fit to make amendments as it has not got the requisite knowledge, and that we must refer to public opinion at large. If we accept that argument, we may just as well dissolve ourselves entirely, as evidently we are absolutely incompetent to discharge our functions, but it is obviously a far-reaching generalisation which will carry us into rather an unacceptable conclusion.

It is a fact that a great many amendments have been tabled; but although the list is rather appalling at first sight, I think on analysis it will be found that there are not so many defects in the Bill as might be assumed. Many of the amendments overlap; many of them are consequential to one another, and if we look at the main points which have been raised by them, they reduce themselves very much to the following. There are a certain number of amendments dealing with the position of circle officers, whom some hon'ble members would apparently like to see eliminated. We have rather more amendments dealing with the relative position of the district board and the district magistrate respecting the superintendence of these union boards. Apparently, some hon'ble members have taken a blue pencil and have substituted the words 'district board' for 'district magistrate' wherever the latter occur, and have so tabled a large number of amendments of that class. Then, we have a certain number of amendments touching the qualifications of voters for these union

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boards. That, however, is a matter of detail, and nobody has challenged the general principle of election. Then, we come to a considerable number of amendments connected with the control over dasadars and chaukidars which, as I think we all know, is a subject of a very longstanding in Bengal. Whenever a Bill of this kind is brought forward, whether it is referred to the country two times or three times, I prognosticate that we will have the same old arguments in Council about the proper position of chaukidars *vis à vis* the village on the one side and the police on the other, which have been brought forward continuously for many years. Then, we have amendments dealing with the functions of union boards, but not in any sense challenging the main principles of the Bill, and amendments made with a desire to make it obligatory on Government and district boards to make statutory grants to these smaller bodies; that again is a question of detail which can be discussed in Council, and it does not interfere with the fundamental character of the Bill. Lastly, we have minor amendments with regard to the procedure of union benches and courts.

That, Sir, is the general nature of the amendments suggested, and I submit that we are perfectly competent now to discuss them and to arrive at decisions. I would again point out to the Council that this is in no sense a new measure: it traces its origin at least to the Police Commission in Lord Curzon's time: from there we can trace it to the Decentralization Commission in 1907-09, and so to the District Administration Committee of 1913-14. Can anybody under these circumstances say that this subject is a new one on which the province has not had sufficient time to make up its mind? It is not a new one; it is almost grey with age. I submit that a further expression of public opinion would not help matters much, as singularly little interest has so far been taken in the matter, although, within the last two days, two prominent Calcutta papers have had articles on the subject. It is noticeable that one of these papers specifically approved of the abolition of circle boards.

Therefore, Sir, on all these grounds I submit that we should not be well advised to adopt the procedure which has been urged."

• **The Hon'ble Maulvi A. K. Fazl-ul-Haq** said :—

• "My Lord, there is always much to be said against slackness and in favour of despatch. I indicated at the very outset that the proposal that I made would entail some delay, but I sought to justify my suggestion on the ground of the importance of the measure which we are now discussing. It is true that I have confined myself more or less to making general remarks, because, on a motion of this character, I thought that it would not be open to me to go very much into details, having regard to the fact that my substantial proposal is that the provisions of the Bill may be again reconsidered by the general public. If this motion is defeated and if I am to move the next amendment, perhaps I will be able to go into somewhat fuller details. I never intended to convey the idea that this Council is not competent to deal with this Bill on the ground that we have not got the requisite local knowledge or experience. What I wanted to say was this—that we are here about 50 of us who would have to express opinions on the provisions of the Bill in a debate of a more or less formal character. We had just a fortnight under the rules to read the Bill as amended by the Select Committee, to go through the various opinions that had been expressed on the provisions of the Bill as it originally stood, and then formulate our amendments within this brief period of a fortnight. I hope the Hon'ble Members, on my left, who are members of the public service, will be pleased to recollect that the members on my right are not wholtime servants of this Council, that they have got other businesses to attend to, that their time is not their own and it is only by little snatches from amidst various engagements that they can find time to consider the subjects that come up for discussion in this

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Council, and in matters like this to make proposals or amendments as regards important legislative enactments : a fortnight is much too brief a period, I beg respectfully to submit, for a study of two big volumes like these, my Lord, to compare how far the opinions have become obsolete by reason of the amendments that have been made by the Select Committee and then consider the Bill as amended by the Select Committee and suggest amendments. I can say that if I am given a few days more, I can bring forward half a dozen more amendments of a very important character. I know some have escaped from my memory, and it even struck me last night that I could have suggested them. I am extremely sorry that I had not time to suggest them. So it is no use saying that we can certainly deal with amendments : we have got the jurisdiction to do so, and as a matter of fact we can dispose of the amendments after discussion one way or the other. But can it be said that this formal discussion will be sufficient for the consideration of the problem in all its aspects, and is it not somewhat different for a man who can read at leisure to consider it in all its bearings and take some time to make suggestions and amendments ? As a matter of fact, the amendments that we have got now before the Council are the amendments which the Hon'ble Members have been able to suggest in the briefest period of time, after having studied the collections of opinions in the two volumes which we have got. Therefore what I meant to say was that although we are certainly able to discuss the provisions of the Bill or to make whatever amendments which seemed to us to be necessary, it is something quite different for the Bill to be before the public once again, so that they might have time and leisure to formulate their opinions. I do not wish to repeat my arguments. I once again press this motion before the Council in the hope that the proposal will be accepted."

The motion was then put and a division was taken with the following result :—

Ayes—17.

The Hon'ble Sir Nilratan Sarkar, K.T.
 " Raja Hrishikesh Laha, C.I.E.
 " Kumar Shib Shekhareswar Ray.
 " Babu Brojendra Kishor Ray
 Chaudhuri.
 " Sir Doba Prasad Sarbadhikari,
 K.T., C.I.E.
 " Rai Debender Chunder Ghose
 Bahadur.
 " Rai Radha Charan Pal Bahadur
 Maulvi Abul Kasem.
 " Maulvi A. K. Fazl-ul-Haq.
 " Khan Sahib Aman Ali.
 " Rai Sri Nath Ray Bahadur.
 " Babu Akhil Chandra Datta.
 " Rai Mahendra Chandra Mitra
 Bahadur.
 " Babu Surendra Nath Ray.
 " Babu Mahendra Nath Ray, C.I.E.
 " Babu Kishori Mohan Chau-
 dhuri.
 " Babu Ambika Charan Mazum-
 dar.

Noes—23.

The Hon'ble Sir Henry Wheeler, K.C.I.E.
 C.S.I.
 " Mr. J. G. Cumming, C.S.I.,
 C.I.E.
 " Sir Bijay Chand Mahtab,
 K.C.S.I., K.C.I.E., I.O.M., Maha-
 rajadhiraja Bahadur of
 Burdwan.
 " Mr. J. H. Kerr, C.S.I., C.I.E.
 " Mr. C. J. Stevenson-Moore,
 C.V.O.
 " Major-General W. H. B.
 Robinson, C.B., I.M.S.
 " Mr. J. Donald, C.I.E.
 " Mr. L. S. S. O'Malley, C.I.E.
 " Mr. M. C. McAlpin.
 " Mr. F. A. A. Cowley.
 " Mr. C. H. Bompas, C.S.I.
 " Mr. W. C. Wordsworth.
 " Mr. S. G. Hart.
 " Sir Rajendra Nath Mookerjee,
 K.C.I.E.
 " Mr. W. H. H. Arden-Wood,
 C.I.E.
 " Mr. Aminur Rahman.
 " Mr. Provash Chunder Mitter,
 C.I.E.
 " Babu Siv Narayan Mukharji.
 " Mr. Arun Chandra Singha.
 " Mr. W. E. Crum, O.B.E.
 " Mr. W. H. Phelps.
 " Mr. G. A. Bayley.
 " Mr. H. R. A. Irwin, C.I.E.

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The following members were absent :—

The Hon'ble Mr. H. P. Duval.

- " Mr. C. F. Rayne.
- " Rai Priya Nath Mukharji Bahadur, I.S.O.
- " the Nawab Bahadur of Murshidabad.
- " Mr. J. Mackenzie, O.B.E.
- " Mr. L. V. N. Meares.
- " Mr. F. W. Carter, C.I.E., C.B.E.
- " Dr. Abdulla-al-Mamun Suhrawardy.
- " Mr. M. Ashraf Ali Khan Chaudhuri.
- " Babu Bhabendra Chandra Ray.
- " Mr. Altaf Ali.
- " Mr. K. B. Dutt.

The Ayes being 17 and the Noes 23 the motion was lost.

LIST OF BUSINESS—ITEM No. 5

The Hon'ble Maulvi A. K. Fazl-ul-Haq moved, by way of amendment, that the Bill be recommitted to the Select Committee.

He said :—

"In bringing forward this motion I do not wish to go over the ground traversed in the discussions on the previous motion, but I will put forward my reasons very briefly. The Bill as amended by the Select Committee was introduced in this Council on the 18th January, and under the rules the 3rd of February was the last date for sending notice of amendments. Fourteen days is the time allowed under the rules for giving notice of amendments, and although fourteen days may be quite sufficient for studying a Bill of ordinary importance, it is certainly not sufficient for the study of so important a measure. The information that was collated and compiled by the Legislative Department came up to two big volumes, the bare study of which would take several weeks. Over and above that, we had not merely to consider the opinions that had been collected, but also to consider the various provisions of the Bill with reference to the opinions that had been expressed, and after we had done all that we are called upon to formulate our proposals by way of amendments to the provisions of the Bill. I submit that the time at our disposal was much too short for discharging business of so important and onerous a character. Along with this, I would respectfully ask your Excellency's Government to consider what I have already submitted before this Council that most of us on this side of the House have got other important duties to attend to, and we have really very little time at our disposal to devote for consideration of important questions like this. The Select Committee has no doubt made some important amendments to the original Bill, but even then there are certain matters which the Select Committee has not taken into consideration. I say 'has not taken into consideration' because I find that on the matters to which I now refer there seems to be an almost unanimity of opinion that the provisions of the Bill ought to be changed. One of these is as regards the question of finance of the union board. I am surprised, and I say it with some regret, that there were Indian members in

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the Select Committee, and they did not realise the importance of this question from the point of view of making this experiment a success. We all know that the people in the rural areas are poor, but I do not know if the members of the Select Committee have really any adequate idea of the appalling poverty of the people in the rural areas. The District Boards in Bengal have got an aggregate average income of Rs. 3,88,125, and if we take the number of villages in a district on the average to be 3,000, that works out to about Rs. 125 as the amount that can be collected from the village by way of taxes and in the shape of road cess and public works cess. Now it may be that in grouping, these village union boards would consist of from 8 to 10 villages, and they would give us about Rs. 1,000 a year from road cess and public works cess, if the whole of that money goes into the hands of the union board. Possibly the District Boards will not agree to that, but they will make some grant. Let us say that the union board gets a grant which, together with the amount which they can raise by taxation in the village union, gives the union board an income of Rs. 1,000 a year. With this income they have got to pay the dafadars and chaukidars and to meet other expenses incidental to the union benches and union courts, and over and above that they will be called upon to undertake schemes of great importance, sanitary schemes, schemes for the improvements of the sanitation of the village, village roads, and some amount of money must be spent on elementary education, and so on. The question of funds, therefore, becomes of very great importance, and unless the union boards are substantially helped by grants from provincial revenues, I can say with the utmost confidence that any experiment in this direction is bound to end in failure. It is no use calling upon the villagers to form themselves into union boards, to tell them to improve the sanitation of the village, to teach them all kinds of things about improved hygiene and sanitation and at the same time to leave them to cope with their work with the slender resources at their disposal. We all know that some of the municipalities in this province have been condemned for inefficiency. I notice that there is at least one District Magistrate who attributed this inefficiency to the lack of public spirit on the part of the people of this country. I do not know whether that charge is well founded or not, because I have no experience of that portion of the country which is in charge of that particular magistrate, but I can say this much that the failure of the municipalities to produce better results is due not to the want of enthusiasm on the part of Indians, not for the want of capacity of the Indians to take upon themselves responsible tasks in the direction of self-government, but because of the lack of funds; and if the union boards are also called upon to undertake duties of such a responsible character with such slender resources at their disposal, the result will be a lamentable failure, which will be put to the discredit of the people of the country. I protest most strongly, my Lord, and I protest with all the emphasis that I can command, against the inauguration of a system of self-government in villages and leaving the people in the lurch and say—'you had better find funds for yourself'. The people are poor, and as will appear from even published Government reports, poor far below the standard in Europe or any other country. This is a matter which the Select Committee has not considered, and what will be the result? On that matter some mistakes have been made. Supposing I press that the whole of the money should come from local funds, that matter will be discussed in this Council, and there will be a division, and having regard to the fact that some of the non-official members from this side of the House are absent to-day, I know what the result of the division will be, and we will lose the motion. The result will be that the suggestion of such an important character, which has the unanimous voice of the country behind it will be lost, simply because some of the members have not considered it their duty to come and attend the Council. My Lord, if this matter be committed to Select Committee, you will find that there

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is a large volume of opinion behind it, and if the members of the Select Committee take up this question, there will be no further necessity of discussing this matter in this Council. Then, my Lord, there are the amendments which are proposed that the District Magistrate should not be given all the powers that the Bill proposes to give them, and that in place of the District Magistrates, the appellate authority should be the District Board. This is by way of amendments which we have been able to put forward before this Council, and can't I see what the result of these amendments will be? Votes on my right are given solid, but votes on my right are divided, and there are also members who do not attend, and the result is that although we are a majority of non-officials in this Council, it is only an illusory majority. I do not wish to leave any amendment to be decided by a division of votes in this Council, but would rather appeal to the Hon'ble Member in charge to consider the suggestions in accordance with their importance and on their merits, and I would also, failing that, like these matters to be considered coolly and calmly by a Select Committee, where we can have a more informal discussion, rather than in a discussion which partakes of the nature of a formal debate. I have already indicated that the time at our disposal is too short. Having regard to the fact that this Bill is of such an important character, I beg to submit that the Bill, in view of the suggestions that have been made, be recommitted to the Select Committee so that we may have a further opportunity of discussing the Bill and proposing further amendments for the Select Committee who may choose to accept the suggestion which we put forward. My only reason is, I confess, that 14 days is not sufficient, and if a little more time is given, perhaps we would be able to make important and substantial suggestions. My formal motion might have meant delay which the Hon'ble Members perhaps were not prepared to accept, but this motion will not entail a delay of more than a few months, I think, or even a few weeks. If it is recommended by the Select Committee perhaps the Bill might be passed into law during this session of this Council."

The Hon'ble Mr. P. C. Mitter said :—

"My Lord, I am in favour of this resolution, but my reasons are entirely different from those of the hon'ble mover. One reason why I support this resolution is that I find 283 amendments still before us, and I dare say that many of these amendments must be worth considering, and I for one believe that the Select Committee is a much better place for considering many of these amendments than this Council. In the Select Committee, when matters are discussed across the table, reasons in favour and reasons against can be much better threshed out.

Then, my Lord, I find that the Hon'ble Member in charge of the Bill has brought forward at least two amendments, No. 5 amendment to clause 1A, and No. 7 to clause 1B. That at any rate indicates that after the matter was gone through in the Select Committee, the Hon'ble Member in charge thought that it was necessary to have these amendments. There are also various important questions which require consideration. For example, there is the question about the residence clause of the voters, and the residence clause of the members. It has been suggested in the Bill that although a certain person may be tax-payer, if he is not ordinarily a resident in the village he should not be a voter even. Some of us think that if he is not ordinarily a resident in the village, he does not take sufficient interest to enable him to sit as a member of a village union board, but so long as he is a tax-payer, he ought to be a voter. There are various other important questions of principle upon which amendments have been brought forward. For instance, my Lord, there is the question of finance of these village boards. I do not agree with my Hon'ble friend Maulvi Fazl-ul-Haq that the district board or the village boards will not be able to find sufficient money to carry on the duties

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which will be entrusted to these unions. If they are not able to find the money, then I would say that it is no good having an Act on paper if money cannot be found to carry out the provisions of the Act. To start with, my Hon'ble friend Maulvi Fazl-ul-Haq is not right when he says that the total income of the district boards is 78 lakhs of rupees—it is over a crore of rupees, and there are 24 district boards, and their total income is about a crore and 7 lakhs of rupees. I do not expect that the district boards will pay all their income to the union boards, but I do expect that the district boards will pay some portion of their income as contributions to the village union boards, if not for any other reason, for the simple reason that the village boards will take up some of the responsibilities of the district boards. So far as the contribution of the district boards is concerned, the Select Committee has decided that the matter should be left to the discretion of the district board. There may be a good deal to be said in favour of that decision. Another view has been put forward, that a certain portion of the total expense of the union boards should be met by the district boards. There may be a good deal in that also, but these are points which can perhaps be better discussed in Select Committee, and I suggest, my Lord, that the matter may be referred to the Select Committee, with all these 283 amendments, so that when the whole thing comes back to the Council, I hope it may be possible for the Council to deal with this matter within the course of this official year, but even if it is not possible to do so, I hope it will be possible to finish the matter at the Dacca sitting of the Council, and when the time for discussion comes, perhaps the official members may be in a position to accept some of the amendments. If they are not, perhaps they will be able to give full consideration in the presence of non-official members in Select Committee and discuss matters fully with them, so that ultimately when the matter comes back to the Council, much time will be saved. For these reasons I support the amendment."

The Hon'ble Maulvi Abul Kasem said :—

"I rise to support the motion of my hon'ble friend to my left and I do so on the simple ground that, even after the 3rd February, the last day for sending in amendments, I, and many of my hon'ble friends, have received communications from our constituents suggesting various amendments, and I think it is desirable that the Bill should be recommitted to the Select Committee for the consideration of these 283 amendments and of many other suggestions which we had not the time nor the opportunity to make. Besides that, the real grievance of my hon'ble friend appears to be that the time at the disposal of the members of this Council was not sufficient, not only to consider the provisions of the Bill but also to consult their constituents, and I hope, my Lord, that Your Excellency's Government will accept this resolution and allow us to have further time to make our suggestions and let the whole question be again considered in the Select Committee, who might be able to put the Bill in the form which will be acceptable by the non-official members of the Council and by the people at large. When this Bill was introduced Your Excellency was pleased to observe that this Bill was the Bengal Government's contribution to the constitutional building, and I may add that this may prove to be the foundation of the building, and I hope that it will be well and truly laid so that the edifice may be strong. I hope that the Hon'ble Member in charge will accept this amendment."

The Hon'ble Rai Radha Charan Pal Bahadur said :—

"My Lord, after all the speeches that have been made I should like to say only a few words. I have in the first place listened to the arguments of the Hon'ble Maulvi Fazl-ul-Haq and the Hon'ble Mr. P. C. Mitter. I think if you weigh the arguments on both sides you will find, specially after what

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has fallen from the Hon'ble Maulvi Fazl-ul-Haq and the Hon'ble Maulvi Abul Kasem, that the main contention on behalf of the non-official members is this: 'This measure emerged from the Select Committee on the 18th January last. It has been in our hands only for fifteen days, which is the usual time allowed in connection with all Bills that emerge from the Select Committee. In this brief interval we are expected to digest the report of the Select Committee, and the voluminous collection of opinions which we have here in two volumes, to discuss the matter with our friends who are better acquainted with mufassal life, and to formulate our suggestions and submit them to the Council. This is too short an interval, particularly for people who have also other business to attend to. Even to those members of Council who are in a position to devote more time to public affairs a period of fifteen days is quite inadequate for the consideration of such an important measure as this, which, as has been observed by the Hon'ble Maulvi Abul Kasem, will form the foundation of the edifice of self-government in Bengal. My Lord, what is primarily intended, notwithstanding the wording of the motion, is to gain more time in order to consider the matter more fully and discuss it among ourselves both in this Council and outside it, and to find out if there are any important matters which have not occurred to any of us and to prepare additional amendments on them and submit them for the consideration of the Council. If I may be permitted to move an amendment, I would move that the consideration of the report of the Select Committee be postponed for a month and be taken up by the Council thereafter here or at Dacca, though I would prefer the matter to be taken up in Calcutta. My hon'ble friend has commented upon the absence of certain non-official members to-day. It is not compliment to the public spirit or the patriotism of the non-official members who are the chosen representatives of the people to be absent to-day. I, therefore, cannot help thinking that if this measure is referred to the Dacca meeting of the Council, as has been suggested by the Hon'ble Mr. P. C. Mitter, the position will be worse. I am afraid the attendance there will be such that my hon'ble friend will wish that he had never moved for the postponement of this measure. Having regard to these facts I am still of opinion that if Your Excellency can see your way to extend the time for at least a month it will meet the situation. I am not in favour of referring the Bill back to the Select Committee, for after all the Select Committee will consist of more or less the same gentlemen as before. They have already considered these very points in the Select Committee and also the suggestions and objections which have been urged by public bodies and individuals, and therefore it is no good referring the Bill back to the Select Committee. But as I have said, in order to gain time we will vote for whatever motion is before us. The main thing we want is more time, which I submit is not a very unreasonable request. I think that, having regard to the importance of the subject and to the fact that the attention of the whole country is fixed on this Bill, I hope Your Excellency will see your way to grant this request."

The Hon'ble Mr. Aminur Rahman said :—

"My Lord, in his previous motion the Hon'ble Maulvi Fazl-ul-Haq wanted us to accept a doctrine which if adopted would throw the whole system, by which legislative enactments are made, into absolute confusion. He told us that an important Bill should be referred over and over again for public criticism till someone somewhere is satisfied that all possible criticisms have come in and have been considered. That motion has been disposed of and I see that my hon'ble friend has cut down his demand considerably in his second speech. He has said that we ought to have more time to consider the alterations that have been made by the Select Committee. And now he is putting forward another motion on the same principle as the first one. He

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says, if you do not refer it back to the public refer it back to the Select Committee. The public had nearly a year to think over the whole Bill. In the Select Committee we considered all the criticisms that have been made by various public bodies and by distinguished men, public officers and public men in this province. It is in the light of these criticisms that the Select Committee made the alterations. If the public were indifferent to the Bill for one whole year what guarantee can my hon'ble friend give that when it is referred back to the public the public will take more interest in it? If the public had about a year to send in their criticisms we can safely assume that the public has sent in all the criticisms that could be made upon the Bill. A perusal of the amendments that have been put before us for consideration to-day would show that amendments have been made on the lines of the criticisms that have already been made by public bodies and public men. If the Bill is now sent back to the Select Committee we shall have to consider the same points over again, going through the same process of reasoning and probably coming to the same conclusion. The Hon'ble Maulvi Fazl-ul-Haq has brought forward one point, and in that connection he has accused the Select Committee of indifference and also of ignorance. He has said that the Bill as altered by the Select Committee has not made any provision for the financing of important projects by the union boards. Clause 46 distinctly says that the district board may make to the union board such grants-in-aid from the district fund as they may think fit in order to enable the union board to carry out any of the purposes of this Act, and may attach to such grants any conditions that may appear to the district board to be reasonable. Assuming that the district boards only undertake such work as their funds permit, and assuming also that the union boards will not be able to initiate any kind of work which they are not able to undertake themselves, we must come to the conclusion that the district boards would not saddle the union boards with the responsibility of any important work unless they could provide funds forthwith. The union boards also will have other means of income, as indicated in clause 47. Now considering that this clause was inserted in the Bill I cannot see how my hon'ble friend Maulvi Fazl-ul-Haq can accuse the original authors of the Bill or the members of the Select Committee of indifference or ignorance. I do not see what purpose will be fulfilled by referring the Bill as altered by the Select Committee with the amendments that have come before us to the Select Committee again. I think my hon'ble friend will agree with me that this House should ultimately decide what should be the form and contents of the Bill, and if that be so, then I think that this is the proper place where alterations made by the Select Committee and also amendments made by the members of this House should be jointly considered. The effect of my hon'ble friend's motion would be that the final acceptance of the Bill would be delayed to a considerable extent, and if my Hon'ble friend Rai Radha Charan Pal Bahadur's suggestion is adopted probably it will be indefinitely postponed, and another effect will be that probably in a discussion of the Bill in this House, then again in the Select Committee, the larger issues of the Bill would be lost sight of and we shall simply raise issues of ordinary importance which will make the Bill much worse than what it is. Therefore, I cannot agree with my hon'ble friend's motion that the Bill should be referred to the Select Committee again."

The Hon'ble Mr. Crum said :—

"My Lord, I am not going to vote in favour of this amendment if it is not acceptable to the Government, but I would like to suggest that Government should consider the suggestion, though from rather a different point of view to what has already been put forward. There are before us some 300 amendments and they are sure to take up the time of this House for 3 or 4 days. I admit that I have not studied these amendments very

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carefully and that I have not read through all the opinions which have been given since the Bill was first published. But I would like Government to consider whether by referring the Bill back to the Select Committee for the discussion of these amendments it would not be possible to accelerate matters. In the Council when a subject is discussed—as for instance the resolutions on the reform proposals—we take up a tremendous lot of time and everybody likes to make a formal speech. But in an informal committee the work can be got through very much quicker. It may be, as the Hon'ble Mr. Aminur Rahman has said, that all these points have already been discussed in the Select Committee and that they are not prepared to go through them again, for they have done the best. If that be the case, I have nothing to say. But if in any way the work can be accelerated by the Bill being referred back to the Select Committee for the discussion of the amendments then I think Government should consider the suggestion."

The Hon'ble Mr. Irwin said :—

"My Lord, in view of the extreme importance of the Bill I beg to support what the Hon'ble Mr. Crum has said on the subject. I think it would be in the public interest that more time should be given to the consideration of this Bill."

The Hon'ble Mr. Phelps said :—

"My Lord, I feel some hesitation in addressing the house so soon after my initiation. But there is one aspect of this Bill which does not seem to have occurred to the Select Committee. The Bill, as I understand, refers solely to villages in existence. I have travelled through Eastern Bengal several times recently and I have been impressed with the fact that villages and townships have arisen where there were none before. What happens is this. In the jute district a Calcutta firm wishes to establish a new agency. They choose a spot on a waterway suitable for the purpose and they secure, say, one hundred or two hundred yards of land (or whatever they may want) on the foreshore for the erection of their godowns and model bungalows for their manager and his assistants. To this nucleus of a new town is attracted all those people in the vicinity who are interested in jute; but it appears to me that these people are allowed to establish a village or township without any regard to roads. The huts and godowns even extend down to the water's edge in a higgledy-piggledy manner so that there is no 'strand road' and no place where the inhabitants can assemble and enjoy social amenities and discuss their affairs. The roads seem to be non-existent between these corrugated iron sheds and godowns. But if this Bill goes back to the Select Committee, I would like to suggest that some provision be made in the Bill for the regulation of the lay-out of new villages and townships. I am not one for advocating delay; but if the Bill is going back to the Select Committee, I would suggest that they should take up this question."

The Hon'ble Babu Mahendra Nath Ray said :—

"My Lord, I had no desire to speak on this motion, and I wanted simply to vote in support of this motion, but for what the members of the Select Committee have just stated. We worked very hard under the presidency of the Hon'ble Sir Henry Wheeler and we did our best; but we are not infallible: and when I find 283 motions in the shape of amendments before the Council, of which 20, not 2, come from the Hon'ble Sir Henry Wheeler himself, representing more than his proper share of the whole number, there is to my mind no doubt that the matter is one for re-consideration, and I shall therefore support this motion."

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The Hon'ble Sir Henry Wheeler said :—

"My Lord, I am not prepared to advise the Council to accept this amendment, largely on the ground that it is proposing a particular course, although the speakers who have advocated it admit that they do not really want that course to be taken but that they want to achieve another purpose.

"May I draw the attention of the Council to the Rules of Business, especially to rule 41, which says that every report by a Select Committee shall be presented to the Council, and shall be taken into consideration by the Council as soon as conveniently may be. That is what we have done in this particular instance. We were instructed, I might remind the Council, to submit our report by a particular date; and we did so. After this presentation a convenient date was suggested on which we should deal with the report of the Select Committee. The next relevant rule is rule 46, which contemplates that any member may move that the Bill which has been amended by the Select Committee, be republished or be recommitted to the Select Committee. We have already had a motion for republication which has been lost, and about that I propose to say nothing more. We have now a second amendment for recommitting the Bill to the Select Committee. What is the object of so doing? And to understand the suggestion, we should see what the Council Rules enjoin us to do. Under our ordinary procedure, we introduce Bills in Council and circulate them for opinion: we then usually receive a number of opinions. In this case, we had a fairly large mass of opinions; and the system of Select Committees is designed to avoid the worrying of Council with voluminous papers by delegating the task of examining them and making proposals regarding them to some of its members. The recent Select Committee accordingly did so, and presented its report to the Council; and under the recognised procedure, the Council should now proceed with the Bill with the assistance of having had this preliminary examination done by a smaller body from among its members. That being our procedure, a recommitment to the Select Committee must mean that the Select Committee has not in some way or other done its functions properly; but that argument is entirely cut away by the admission of the Hon'ble Maulvi Fazl-ul-Haq in the first speech which he made, to the effect that we had done our work—I do not remember whether he said very well—but at least fairly well. He seemed to admit that we had done our best to consider the opinions and to amend the Bill in the way that we thought best in the light of them. But if the Select Committee has already done its duty, which is that of the examination of these opinions, what else now is there that we should recommit this Bill to the Select Committee for?

"Now, we have been told by one or two members that there are certain points in the Bill with which they do not agree. Mr. Mitter has raised the question of residential qualification of voters which, I submit, we can discuss when that point comes up. The Hon'ble Maulvi Fazl-ul-Haq has expressed grave doubts about the financing of these union boards—a matter relating to which various amendments have been moved—which in due time we can also discuss. The Hon'ble Mr. Phelps has suggested that there should be some provision for the inclusion in unions of new villages and enabling them to lay out proper roads, especially on the riversides. Possibly the Hon'ble Member is under a misapprehension, as, when a village of sufficient importance springs up, there is nothing in the Act to prevent its inclusion in a union, and in clause 31 considerable powers are given to union boards to make alignment of streets. Well, Sir, if there is no new matter which can be recommitted to the Select Committee for reconsideration, the whole thing boils itself down to certain points on which some Hon'ble Members do not agree with the conclusions of the Select Committee, and on which they are at liberty to move amendments, a liberty of which they have already

*The Bengal Village Self-Government Bill.**The Hon'ble Sir Henry Wheeler.*

taken full advantage. If this is so I would again ask, what is the Select Committee to do, as it is admitted that it has fulfilled the purpose for which it was created?

"The only answer we have is contained in the arguments of the Hon'ble Messrs. Crum and Mitter, that as there are numerous amendments to the Bill, it might save time by making the Select Committee examine them. But I submit, Sir, that such a step will place the Select Committee in a position which is not contemplated by our rules of procedure, under which it is not the duty of a Select Committee to go through a list of amendments, even if they do happen to be numerous. If we adopt a procedure of that kind, I do not know where the process will stop, and it might go on perpetually, since whatever the Select Committee reports it is not likely to be acceptable to all. Therefore, on the merits of the proposal to recommit the Bill to the Select Committee, I submit that a case has not been made out."

"I then come to the real argument which has been adduced by the Hon'ble Rai Radha Charan Pal Bahadur. He has admitted quite frankly that he wants a little more time to consider these amendments and the opinions received on the Bill. I may remind Hon'ble Members that the first collection of these opinions was sent out in September 1918, and we are now in February 1919, which has already given a fair amount of time to Hon'ble Members to read the papers: and although the second collection went out on the 26th November 1918, owing to their late receipt, Hon'ble Members have even then had an interval of two months if they cared to avail themselves of it. Moreover, the duty of a minute analysis of the opinions is particularly the function which the Council entrusts to the Select Committee to discharge. Therefore, when we are asked for more time and for a further postponement, the Local Government are not prepared to take the responsibility of recommending it. The extent of the delay, if the Bill is not proceeded with on this occasion, might be considerable. We are coming on to the Budget, and its discussion will occupy most of the rest of time available this cold weather. We have already been told by the Hon'ble Rai Radha Charan Pal Bahadur that it will be impossible, without considerable inconvenience, to take the Bill up at Dacca, and it may mean, therefore, that the Bill may not come up before next cold weather; or in other words, it will be delayed for a year. Of course, if Hon'ble Members choose to vote that this should be done, it will be done: but I would disassociate the Local Government from any advice to that effect. I have already explained that this is not a new proposal—it dates back to the early days of this century: and the Local Government has perpetually been told that it has been remiss in not previously pushing on with this reform. The recommendations of the Bill have practically been before the country since 1913-14, and on a previous occasion I mentioned that the present Government of His Excellency would have been only too glad to have seen the Bill passed by our predecessors. That having not been done, it was one of the first tasks to which His Excellency applied himself to push through the recommendations of the District Administration Committee; we have done our best to do so, at considerable personal inconvenience, and we have placed the result of our deliberations before the Council for discussion: if the Council thinks that we may wait for another year, the responsibility for doing so, as far as the Local Government is concerned, will lie upon the non-official members of the Council."

"There is only one other point to which I would like to make reference. The Hon'ble Babu Mahendra Nath Ray says that the work of the Committee could obviously not have been very well done, because certain amendments are down in my name. It is true that there are; but if Hon'ble Members look at them, they will find that most are of a verbal character."

*The Bengal Village Self-Government Bill.**Maulvi Fazl-ul-Haq.*

and those of importance in substance were inserted with the object of meeting and improving some of the amendments which have been put forward. It does not necessarily follow that amendments which are drafted by non-official members are always put in the best shape, and it is a normal procedure that, if Government sees its way to move some way in the direction of an amendment, it should place the amendment in a more acceptable form, which is the reason why some amendments of substance stand against my name.

"Well, Sir, that is the position which the Local Government would take in this matter. First, there is no justification on its merits for the motion as it stands, and secondly, in respect of the delay which the acceptance of the amendment would involve, it would be deprecated by the Local Government in the light of all that has been said (much of it by Hon'ble Members of this Council) in favour of the urgency of effecting a reform in this portion of the administration of the province."

The Hon'ble Maulvi Fazl-ul-Haq said :—

"My Lord, I will be very brief in my remarks because I feel that the question has already been discussed at a very great length, and it is time that we should decide and make up our minds one way or the other. I wish to make one or two points clear before I proceed to make a few remarks on the suggestions that have been made by some of the Hon'ble Members who have spoken in support of my motion. The Hon'ble Member in charge seems to think that the acceptance of my motion would mean a sort of reflection on the Select Committee. I do not know if that would really be the interpretation which could reasonably be put on a motion of this character. But I wish to make it clear that it is absolutely far from my mind to cast any reflection on the work that has been done by the Select Committee. I find, as I also said in the course of my speech on the first motion, that a recommitment of a Bill to a Select Committee is not without precedent. I find that in the proceedings of the Legislative Council of the 25th August, 1909, reported at page 226 of the Council Proceedings, there was a recommitment of a Bill to a Select Committee; later, on the 4th January, 1910, the proceedings recorded at page 4, there was a similar recommitment, and even in this present Council, on the 1st September, 1913, at page 728 we find that a Bill was recommitted to Select Committee. It is not for the purpose of saying that the Select Committee has done its work perfunctorily that I make a suggestion of this character. I have already made it clear, and the Hon'ble Members who have spoken in support of my motion have also made it clear, that it is because the matter is of extreme importance and that the time at our disposal was not sufficient that it would be better, in order to pass the Bill in a manner which would be of an absolutely non-contentious character, that the matter should be again reconsidered in Select Committee. I do not wish to make any reference to the speech of my hon'ble friend Mr. P. C. Mitter beyond this, that he slightly misunderstood me when he said that I spoke of the total income of district boards amounting to about 78 lakhs. I wanted to say something about the total income, but what I really said was about the average income of district boards which works out to something like Rs. 8,88,000 and odd. Then I worked out that on an average the income that would be derived from local funds would be about Rs. 125. I may not be quite correct in this calculation, because I have made a rough calculation; but what I meant to convey was that the income that could be derived from local rates in the villages would be very small indeed, and unless substantial grants are given by the district board or by the Local Government the union boards would have to depend upon local taxation for raising the funds that will be required to carry out the scheme. I say that the people are poor

*The Bengal Village Self-Government Bill.**Moulvi Fazl-ul Haq.*

and it would be expecting too much that they would be able to tax themselves to raise the requisite funds. I proceeded to say that if the funds at the disposal of union boards were not sufficient, the experiment would be bound to end in a failure. However, I need not labour upon that point. I do not wish also to refer to the other speeches that have been made; but I wish to say just a few words with reference to the remarks that have been made by my hon'ble friend Mr. Aminur Rahman; and I do with as much liberty as I can command, because I find that he has declared himself against me. I am not apprehensive of losing his vote, because he has already told me that he is not going to vote in favour of my motion. My friend remarked that the public had one full year to send in their suggestions. As an Indian he ought not to forget that there is a little failing in the Indian character which induces us to postpone matters up to the very last moment. I am saying so with the utmost deference, that if he has somehow or other got over the innate lethargy which is the characteristic trait of Indian character, he has no right to expect that all Indians generally have come up to that standard which teaches them to lose as little time as possible in the discharge of their duties. Now, supposing for a moment that the public had one full year, what about the Members of this Council? Surely, we were not expected to send in amendments before the Bill had been considered by the Select Committee and had been presented to the Council. The position therefore is this: it does not matter whether the Bill had been before the country for one year or even for five years or 15 or 20 years. So far as the Hon'ble Members of this Council are concerned, they had only 14 days and nothing further. Before the 18th January last we had no jurisdiction to send in our amendments. It was on the 18th January that the Bill emerged out of the Select Committee and was presented to this Council when the members had an opportunity of considering the Bill and the opinions and sending notices of amendments. It is no use telling us that the Bill had been before the country for about a year; it may be so. We were waiting to see how the Bill would be amended by the Select Committee. So, after all, his argument that we had the Bill before us for one year is beside the point, as it does not touch the very important question which we raise that we had not sufficient time to consider the provisions of the Bill. My hon'ble friend also seems to think that if this Bill is recommitted to the Select Committee, all these matters will be considered over again. True but the Select Committee will find that some of the amendments that have been proposed represent not merely the opinions of the public at large, but these opinions have got behind them the considered opinion of the Members of this Council, and although it may be that the Select Committee at the first sitting did not consider it of importance to accept the opinions that had been received from various sources, it may be that the Members will find that the opinions, which have come from various sources and have been endorsed by Hon'ble members, are entitled to sufficient consideration and due weight, and should be accepted. That changes the whole situation—283 amendments change the entire aspect of the case. It shows that the Hon'ble Members of this Council have also accepted some of the suggestions that have been put forward in the opinions, and although the suggestions may have been rejected by the Select Committee, they may be accepted in view of the fact that the opinions are endorsed by the Hon'ble Members of this Council.

"There is another important matter on which I wish to say a few words. The Hon'ble Sir Henry Wheeler seems to think that a recommitment of the Bill to the Select Committee would entail a year's delay—absolutely nothing of the kind. It may be recommitted to the Select Committee: the rules are not very strict on that point: a time-limit may be laid down within which the Select Committee will be able to finish their deliberations and present the Bill before the Council before it breaks up at the end of this session. I may

*The Bengal Village Self Government Bill.**Maulvi Fazl-ul-Haq.*

say this that if the Bill is recommitted to the Select Committee, the Bill will be presented before the Council in an absolutely non-contentious form, and this will save time instead of going on with the consideration of these 283 amendments with all the speeches for and against. I submit that it would be an economy of time, if nothing else, to allow this Bill to go back to the Select Committee, so that it may emerge in a form for which there will be no necessity for sending notices of amendments.

"I do not wish to say anything further about district boards being saddled with grants to union boards. My hon'ble friend, Mr. Aminur Rahman, has pointed out to me that there is a provision in the Bill for district boards making some grants to union boards. I did not lose sight of that provision and if he will look at the amendments he will find that I have given notice of an amendment so far as that particular provision is concerned. But what I say is this, that there is a provision for using discretion as regards the levy of fees and if that discretion is exercised in favour of union boards there will be lack of funds. However, I do not wish to discuss the subject because it will be taking up the time of the Council quite unnecessarily.

Before I sit down, I would submit that this Bill touches us—the Indian members—on the most vital points of our daily life in villages. So far as the European members are concerned, I wish to make one earnest appeal. I ask them to remember that this system of self-government is one of the greatest boons that the beneficence of England can confer on the people of India, and if that is so, let it be a reality, and if it is sought to be made a reality, let us not hurry this measure through the Council in this form. My first motion might be considered to be unreasonable in the sense that it would entail a long delay, but this is a more modest proposal, and I have already indicated that matters may be so arranged that the recommitment and the final consideration of this Bill may all be finished before we break up at the end of this session. Therefore, my Lord, once again I commend this motion to the Council and I hope that it will be accepted."

The motion was then put and a division was taken with the following results :—

<i>Ayes—21.</i>		<i>Noes—19.</i>	
The Hon'ble	Sir Rajendra Nath Mookerjee, K.C.I.E.	The Hon'ble	Sir Henry Wheeler, K.C.I.E., C.S.I.
" "	Sir Nilratan Sarkar, Kt.	" "	J. G. Cumming, C.S.I., C.I.E.
" "	Raja Hrishikesh Laha, C.I.E.	" "	Sir Bijay Chand Mahtab, K.C.S.I.,
" "	Mr. Provash Chandra Mitter, C.I.E.	" "	K.C.I.E., I.C.M., Maharajadhiraja
" "	Babu Siv Narayan Mukharji.	" "	Bahadur of Burdwan.
" "	Kumar Shib Shekhnarewar Ray.	" "	Mr. J. H. Kerr, C.S.I., C.I.E.
" "	Babu Brojendra Kishor Ray Chaudhuri.	" "	Mr. C. J. Stevenson-Moore, C.V.O.
" "	Arun Chandra Singha.	" "	Major-General W. H. B. Robinson,
" "	Sir Deba Prasad Surbhadhikari, Kt.,	" "	C.B., I.M.S.
" "	C.I.E.	" "	Mr. J. Donald, C.I.E.
" "	Rai Debendra Chandra Ghose Bahadur.	" "	Mr. L. S. S. O'Malley, C.I.E.
" "	Rai Radha Charan Pal Bahadur.	" "	Mr. M. C. McAlpin.
" "	Maulvi Abul Kasem	" "	Mr. F. A. A. Cowley.
" "	Maulvi A. K. Fazl-ul Haq.	" "	Mr. C. H. Bompas, C.S.I.
" "	Khan Sahib Aman Ali.	" "	Mr. W. C. Wordsworth.
" "	Rai Sri Nath Ray Bahadur.	" "	Mr. S. G. Hart.
" "	Babu Akhil Chandra Datta.	" "	Mr. W. H. H. Arden Wood, C.I.E.
" "	Rai Mahendra Chandra Mitra Bahadur.	" "	Mr. Aminur Rahman.
" "	Babu Surendra Nath Ray.	" "	Mr. W. E. Crum, C.B.E.
" "	Babu Mahendra Nath Ray, C.I.E.	" "	Mr. W. H. Phelps.
" "	Babu Kishori Mohan Chaudhuri.	" "	Mr. G. A. Bayley.
" "	Babu Ambika Charan Mazumdar.	" "	Mr. H. R. A. Irwin, C.I.E.

*The Bengal Prevention of Adulteration Bill.**The Maharajadhiraja Bahadur of Burdwan; Rai D. C. Ghose Bahadur.*

The following members were absent :—

The Hon'ble	Mr. H. P. Duval.
"	Mr. C. F. Payne.
"	Rai Priya Nath Mukharji Bahadur, I.B.O.
"	The Nawab Bahadur of Murshidabad
"	Mr. J. Mackenzie, O.B.E.
"	Mr. L. V. N. Meares.
"	Mr. F. W. Carter, C.I.E., C.B.E.
"	Dr. Abdulla-al-Mamun Suhrawardy.
"	Mr. M. Ashraf Ali Khan Chaudhuri.
"	Babu Bhabendra Chandra Ray.
"	Mr. Altaf Ali.
"	Mr. K. B. Dutt.

The Ayes being 21 and the Noes 19 the motion was carried.

LIST OF BUSINESS—ITEM No. 9.**THE BENGAL PREVENTION OF ADULTERATION BILL, 1918.**

The Hon'ble Sir Bijay Chand Mahtab, Maharajadhiraja Bahadur of Burdwan, moved that the Bengal Prevention of Adulteration Bill, 1918, be referred to a Select Committee consisting of the Hon'ble Major-General Robinson, the Hon'ble Mr. O'Malley, the Hon'ble Mr. Duval, the Hon'ble Sir Nilratan Sarkar, the Hon'ble Raja Hrishikesh Laha, the Hon'ble Mr. Phelps, the Hon'ble Khan Sahib Aman Ali and the mover, with instructions to circulate their report in time for its consideration in Council at the meeting to be held on the 27th March, 1919.

The Hon'ble Rai Debender Chunder Ghose Bahadur said :—

"My Lord, I may be pardoned if I make a suggestion for the addition of one name to this Select Committee. As your Lordship knows this Bill is a Bill which affects not only the mufassal, but also the town of Calcutta. Food-stuffs which come to this town are supplied by the country generally, and those representing the Corporation of Calcutta in this Council are interested not only as members of this Council, but also as members of the Corporation of Calcutta, to see that the right measures are enacted for the prevention of adulteration of food. The Bill excludes Calcutta from its operation, but Calcutta is vitally interested in this Bill, and, with the leave of the Council, I would suggest that my colleague the Hon'ble Rai Radha Charan Pal Bahadur, who has great experience in the working of the Corporation of Calcutta, should be associated with this Select Committee, so that he may have an opportunity of utilising this experience in the passing of this Bill through the Select Committee."

The Hon'ble Maharajadhiraja Bahadur of Burdwan said :—

"My Lord, I think the Hon'ble Member is under some misapprehension. because so far as Calcutta is concerned the question will come up when the Calcutta Municipal Bill is brought before the Council and really this Bill, as he must have already seen when it was originally introduced, is going to affect the areas outside Calcutta, and that was made very clear in the Statement of Objects and Reasons. I therefore am sorry at not being able to accept

The Bengal Prevention of Adulteration Bill.

Rai R. C. Pal Bahadur ; Babu M. N. Ray ; the Maharajadhiraja Bahadur of Burdwan ; the President.

the proposal made by the Hon'ble gentleman. I may further point out that so far as the Calcutta Corporation is concerned, I do not think that on the Select Committee there could be a better advocate than the Hon'ble Mr. Phelps whose name we have already included."

The Hon'ble Rai Radha Charan Pal Bahadur said :—

"My Lord, I wish to say one or two words. When a motion is made for the appointment of a Select Committee, although our votes are required to carry that motion, we have practically no voice, but simply have to say 'ditto' to the Hon'ble Member who moved for the appointment of the Select Committee. I thank my Hon'ble friend to my right for moving my name, but I am not very anxious to serve on the Committee, because the Hon'ble Member in charge apparently does not desire my services. The constitution of the Select Committee does not commend itself to a considerable number of the members on this side of the House. Now, my Lord, if it is a mufassal measure affecting mufassal municipalities only, I do not know why some of the experienced and prominent chairmen of some of these municipalities have been left out. Why have not the Hon'ble Rai Mahendra Chandra Mitra Bahadur and the Hon'ble Babu Mahendra Nath Ray been included in this Select Committee? Then, my Lord, I should have liked to see the Hon'ble Mr. P. C. Mitter on the Select Committee, but what I find is that none of the un-official members proposed are connected with any mufassal municipality. I do not know if the Hon'ble Khan Sahib Aman Ali is connected with any municipality—(A voice—'He is the Chairman of the Chittagong Municipality'). I am glad the Hon'ble Member in charge has selected one eminent member from distant Chittagong, although he has overlooked places nearer Calcutta. If I am permitted, I would move that the Hon'ble Babu Mahendra Nath Ray be included in the Select Committee."

The Hon'ble Babu Mahendra Nath Ray said :—

"No, thanks, I do not want to serve."

The Hon'ble Rai Radha Charan Pal Bahadur said :—

"Then I would move that the Hon'ble Rai Mahendra Chandra Mitra Bahadur be included."

The Hon'ble Maharajadhiraja Bahadur of Burdwan said :—

"My Lord, I think it is always a great danger to go into the personal question in a matter of this kind. All the other members of the Council will have ample opportunity to discuss the provisions of the Bill when the report of the Select Committee is submitted. Moreover, we have put in gentlemen in the Select Committee who have got special knowledge and concern with a measure of this kind, so far as it relates to trade and commerce. Then we have got Sir Nilratan Sarkar who takes great interest in such matters to advise us ; we have also the Chairman of a mufassal municipality. I really, therefore, do not think that by the addition of any more names to the Select Committee we shall really attain any great object, and I therefore recommend the Council to accept the motion which I have just moved."

The President said :—

"Does the Hon'ble Member wish to move an amendment?"

The Bengal Prevention of adulteration Bill, 1918. The Bengal Primary Education Bill.

Rai R. C. Pal Bahadur; Rai M. C. Mitra Bahadur; the President; Babu S. N. Ray; Babu A. C. Mazumdar.

The Hon'ble Rai Radha Charan Pal Bahadur said : "Yes, my Lord."

The President said : "Will the Hon'ble Member who is concerned tell us whether he is prepared to serve on the Committee or not?"

The Hon'ble Rai Mahendra Chandra Mitra Bahadur said : "My Lord, I am much obliged for the amendment which has been moved, but I consider that my services will be of no use, and I would not like to accept."

The President said : "In view of the disinclination of the Hon'ble Member to serve on this Committee, does the Hon'ble Rai Radha Charan Pal Bahadur still desire to move his amendment?"

The Hon'ble Rai Radha Charan Pal Bahadur said : "My Lord, I have no other alternative but to give up my motion, when the two hon'ble gentlemen have been scared away by the Hon'ble Maharajadhiraja."

The motion was then put and agreed to.

LIST OF BUSINESS—ITEM No. 10.

THE BENGAL PRIMARY EDUCATION BILL, 1919.

The Hon'ble Babu Surendra Nath Ray moved that the Report of the Select Committee on the Bengal Primary Education Bill, 1919, be taken into consideration.

The motion was put and agreed to.

LIST OF BUSINESS—ITEM No. 11.

The Hon'ble Babu Surendra Nath Ray moved that the clauses of the Bill be considered for settlement in the form recommended by the Select Committee.

The motion was put and agreed to.

AMENDMENT No. 1.

The Hon'ble Babu Ambika Charan Mazumdar moved that for the word "rural" in line 2 of the long title and in line 3 of the preamble the word "other" be substituted.

He said :—

"My Lord, the amendment which I have to move refers to the preamble. I submit that for the word 'rural' the words 'other areas in Bengal' be substituted, because the word 'rural' might put us into some difficulty. The word 'rural' is often understood as opposed to 'urban'. We do not know yet whether we shall not have to introduce this Bill to urban areas also, because the distinction between 'urban' and 'rural' has not yet been decided. We do not know what the Reforms Committee will do in connection with municipal or non-municipal areas, so that by including 'rural' areas only we restrict the scope of this enactment, whereas by substituting the words I have suggested, we make the scope of the Bill wider."

The Hon'ble Babu Surendra Nath Ray said : "My Lord, I have pleasure in accepting this amendment."

The motion was put and agreed to

*The Bengal Primary Education Bill.**Babu S. N. Ray; Babu A. C. Mazumdar; Mr. O'Malley.***AMENDMENT No. 2.**

The Hon'ble Babu Surendra Nath Ray moved that after the word "modifications" in line 3 of the proviso to sub-clause (2) of clause 1 the words "for the purposes of adaptation" be inserted.

He said :—

"My Lord, the reason why I move this amendment is that you cannot change the spirit of an Act. It must be merely for the purpose of extending the provisions of the Act, and for the purposes of such extension to make such purely formal alterations as may be necessary."

The motion was put and agreed to.

AMENDMENT No. 3.

The Hon'ble Babu Ambika Charan Mazumdar moved that after the words "to any" in line 4 of the proviso to sub-clause (2) of clause 1 the words "other town or any" be inserted.

He said :—

"I would draw attention to the provision of clause 1, sub-clause (2), where it is said 'with such modifications as they may deem fit to any area in a union constituted under this Act'. But I would substitute the words 'other town or any' for the word 'to any', simply to bring in the very next stage in the development of primary education and make it more obligatory. First of all, we shall have the municipal towns, and then after that we shall have to deal with the subdivisional headquarters and other important centres where there are no municipalities, but which are all the same quite important urban areas. I should therefore like to have any other town, not simply a municipal town, but also any town municipal or non-municipal introduced, and that is why I propose this amendment. It follows exactly the line I proposed in the preamble."

The Hon'ble Babu Surendra Nath Ray said :—

"My Lord, I am sorry I cannot accept this amendment, and the reason is that there may be towns without any public bodies, and this Bill when it is passed will have to be worked by public bodies, so if there be any towns, without any public bodies, the Act will be nugatory."

The Hon'ble Mr. O'Malley said :—

"My Lord, on behalf of Government I beg to support the Hon'ble Member in charge. The object of the amendment is obviously to allow this Bill, when it becomes law, to be extended to places which are not under the Bengal Municipal Act or under the Bengal Local Self-Government Act. And if it is said that there are many places which are of an urban character, though they have no form of municipal law, then I venture to submit, Sir, that if a town is not advanced enough for local self-government it is not advanced enough for the system of education contemplated by this Bill. In such places, the Act would be unworkable without any public local organisation, such as a Union Committee or Municipal Board. It would be extremely difficult, for instance, to arrange for such bodies as school committees and it would be very hard to make the necessary adaptations in extending the Act."

*The Bengal Primary Education Bill.**Babu A. C. Mazumdar ; The President.***The Hon'ble Babu Ambika Charan Mazumdar** said :—

"I wish to disabuse my hon'ble friend's mind. He is apprehensive that if we were to use the words 'any other town', there may be no public body or local authority to give effect to the provisions of this Act. What I mean is this. The Bill should be extended to any other town or area in a union constituted under this Act. My Lord, I shall be borne out by the Hon'ble Members to your right that many of these towns have been amalgamated and formed into unions. There are many subdivisions where there are no municipalities, but they are also united. Secondly, there would not be any want of proper authority to give effect to the provisions of the Act if the word 'town' is introduced. On the other hand, we shall be giving a very good opportunity for extending the provisions of the Act, or of introducing primary education on a larger scale simultaneously with such introduction within municipal areas."

The motion was then put and lost.

AMENDMENT No. 4.

The following motion stood in the name of the Hon'ble Babu Ambika Charan Mazumdar.

"That after the figures '1885' in line 6 of the proviso to sub-clause (2) of clause 1 the words and figures 'or under the Bengal Village Self-Government Act, 1919' be inserted."

He said :—

"My Lord, I ask permission to withdraw this amendment because the Village Self-Government Bill has been postponed and not yet been passed. If Your Excellency will permit me I will put it in this way—'or any other enactment to that effect', otherwise it may be dropped."

The President said :—

"I think the Hon'ble Member must necessarily withdraw the amendment in its present form because it refers to an Act which does not exist, and which, in view of what happened this morning, may never exist. It is out of order for the Hon'ble Member to move the amendment in this form, but if he alter the wording of the amendment, without altering it in substance, I am quite ready to accept that, and I am sure the Hon'ble Member in charge of the Bill will be ready to consider any proposal he wishes to make. If the Hon'ble Member will suggest other words for his amendment, I will consider it."

The Hon'ble Babu Ambika Charan Mazumdar said : "I think I had better withdraw the amendment altogether."

The motion was then, by leave of the President, withdrawn.

AMENDMENT No. 5.

The Hon'ble Babu Ambika Charan Mazumdar moved that for the words "the School Committee for such school" in lines 4 and 5 of sub-clause (1) of clause 2 the words "the Commissioners, the Union Committee or the Union Board concerned" be substituted.

He said :—

"My Lord, my object is clear enough. I want to give some power to the Commissioners, to union boards and union committees, and not to leave everything to the school committee. It is very necessary that when you ask

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the Commissioners to extend this Act and to impose a cess and so forth, they ought to have a word to say about the attendance of the boys and not leave everything to the Select Committee. Therefore I propose this amendment."

The Hon'ble Babu Surendra Nath Ray said :—

"My Lord, I am sorry I cannot accept this amendment because it is unnecessary, regard being had to the proviso of clause 1, sub-clause (2). This is covered by the proviso in the case of union committees and union-boards. What good would delegation of part of the function to the Commissioners do. It is the function of the School Committee."

The Hon'ble Mr. O'Malley said :—

"My Lord, I also beg to oppose the amendment on the same ground as has been mentioned by the Hon'ble Babu Surendra Nath Ray, namely, that the School Committee is in fact a better machinery for fixing the days and times in which schools will work than the Municipal Commissioners at a meeting. I also beg to state a second objection. The amendment as worded mentions the union board, whereas there is no such body in existence. It depends upon the Village Self-Government Bill and that has not yet become law."

The Hon'ble Babu Ambika Charan Mazumdar said :—

"I think the Hon'ble Members are under a misapprehension. The word proposed to be left out stands part of the clause. I understand that was the sense of the Council."

The motion was then put and lost.

After lunch.

AMENDMENT No. 6.

The Hon'ble Babu Ambika Charan Mazumdar moved that after the words "elementary education" in lines 1 and 2 of sub-clause (6) of clause 2 the following be inserted, namely :—

"in reading, writing and arithmetic together with such elementary rules of hygiene, sanitation, agriculture and other industrial pursuits as are suited to local conditions and requirements".

He said :—

"My Lord, the object for the amendment of the definition of primary education is this. As the clause now stands, it is left entirely to the Education Department to lay down what the primary education should be. I want to indicate the line on which you want to impart primary education through the Education Department; and therefore I propose that after the words 'elementary education' may be added not only reading, writing and arithmetic but also rules of hygiene, sanitation, agriculture, etc. My Lord, why primary education has not made much progress in this province by this time is, I think, because this education—purely literary education—has not been very attractive to the people for whom such education is primarily intended. People, particularly the cultivating and the labouring classes, ought to know that the primary education which we are going to impart will not be purely of a literary character but of such a nature as may help their children in their ordinary avocations of life. Of course, it may be said that

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the Education Department will do so, but, my Lord, the Education Department have not up to this time done anything of that nature. I want to give the little boys some training in elementary rules of agriculture, hygiene, etc., and I therefore wish to indicate by this definition to the Education Department the line on which they should proceed. By the inclusion of my amendment, the Act itself will prove an attraction to the labouring and agricultural classes to send their boys to schools more readily than they are disposed to do at present."

The Hon'ble Raja Hrishikesh Laha said :—

"My Lord, I have a similar motion standing in my name. If my hon'ble friend accepts the insertion of the words 'civic and manual training' I shall be glad to support his motion.

My reason is that exclusive instruction in reading, writing, and arithmetic will, I am afraid, render a boy unfit for the work of their parents and guardians and they very probably will look down upon it with contempt. In the words of the Resolution on Indian Educational Policy as issued by the Governor General in Council on the 11th March, 1904, 'the aims of the rural schools should be not to impart definite agricultural teaching, but to give to children a preliminary training which will make them intelligent cultivators, will train them to be observers, thinkers and experimenters in however humble a manner, and will protect them in their business transactions with the landlords to whom they pay rent and the grain dealers to whom they dispose of their crops'. The policy laid down here should be a proper guide for imparting primary education to children with a view to make them useful members of their family and of society when they shall be called upon to perform the practical duties of life. My Hon'ble friend, Mr. Cumming, from his place in Council, in reply to a resolution, expressed an opposite opinion to the declared policy of the Government of India by stating that 'the attempt to teach agriculture in primary schools should be definitely abandoned' as 'the obvious difficulty lies in the provisions of suitable teachers' (see *Calcutta Gazette*, 6th February, 1918, page 210). This difficulty may no doubt at the present moment be great, but not insuperable; but as Government is in full sympathy with the education of the boys of the cultivating class, this difficulty should not stand in the way of what I consider to be an obvious duty of the Government. And the undertaking of such duty by the State, I presume, has been foreshadowed by the august authors of the report on Indian Constitutional Reforms. They say in paragraph 185 that 'the spread of education among the lower classes is also attended by peculiar difficulties. India is a predominantly agricultural country, and an agricultural population is always and everywhere suspicious of the effect of education upon rural children. Here again is the need—a need realised equally in Europe and America—of making rural education more practical, and ensuring that the school shall make the average boy who does not aspire to university education a more practical farmer instead of transforming him into an indifferent clerk.' It is simply a question of time, and if Government is bent upon it, trained teachers would become available within a reasonable period. What I have said regarding agriculture would apply *mutatis mutandis* to other subjects which are necessary for the education of the masses. Hitherto the primary schools have not been attractive, as the instructions given in them are too theoretical and have no reference to the condition of employment and livelihood of the people. Indeed it is the total divorce of education from the needs and possibilities of the life of the masses that has made education unpopular and barren and the same evils will become more intense and widespread if the present system continues to lay emphasis on an over-literary education,—what is wanted, is practical education. Instructions

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in handicrafts and agriculture should go hand in hand with vocational guidance which would secure a better preparation for life's occupation and avoid aimless drifting of the choice of unsuitable employments. I would like also that a course of civics embodying imperial ideas should form a permanent curriculum in our school. They are sure to help our youths to render themselves better citizens and I need hardly remind this Council that the study of civics in elementary schools has worked most satisfactorily in Japan, United States, etc. Let us take an example out of their books."

The Hon'ble Babu Ambika Charan Mazumdar said :—

"My Lord, I beg to enquire where my friend wants to introduce these words."

The Hon'ble Raja Hrishikesh Laha said :—

"After the word 'agriculture,'"

The Hon'ble Babu Ambika Charan Mazumdar said :—

"I have no objection."

The President said :—

"Might I suggest that if the Hon'ble Babu Ambika Charan Mazumdar is prepared to accept the inclusion of the words 'civic and manual training' after the word 'agriculture' he should move the deletion of the words 'rules of' and insert 'instruction in' in their place, as it would read better."

The Hon'ble Babu Ambika Charan Mazumdar said :—

"I have no objection, my Lord."

The Hon'ble Mr. W. H. H. Arden-Wood said :—

"My Lord, I am very anxious that the nature of primary education should not be too specifically laid down in clause 2 of the Bill, because I feel very strongly that the most important thing of all is the character of the education that is to be given under the denomination of elementary education, if it is to be really effective in the way we want. I do not think that we know at present either in England or in India what the best form—certainly not what the final form—of elementary education will prove to be.

Now I notice that there is a good deal of apprehension expressed in the criticisms upon the Bill, lest this new elementary education should be too literary—too much the same kind of education as that now being given in existing schools of higher grade, so that it would be possible to regard the higher form of education as a continuation of it : so that this elementary education might come to be regarded as preparatory to another grade of education, instead of being self-contained—a thing of itself, which is really what we want it to be. It is thought, not I understand without reason, that a good deal of what is now given as primary education has an unsettling effect, making its recipients discontented with the ways of life that their fathers follow, and tending to make them swell the number of those who do not want to work on the land. I submit that it would be disastrous to do anything to increase that tendency. Therefore we must be particularly careful what kind of education the new elementary education is. We are really confronted with a very great problem. I think the future welfare and happiness of India

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will very largely depend upon the solution of it. There can be no doubt that one of the things that has to be faced in the future is the problem of increasing the material welfare of the masses of the people. This is a crowded country, and it is in consequence even more true here than elsewhere that that man is a great benefactor who makes two blades of grass grow where only one grew before or, what comes to the same thing, makes the soil produce what is of twice the value. India, we hope, has a considerable industrial future before it, but for all that agriculture must remain all important, and therefore the education given to the agricultural classes should be such as to fit them to get more out of the land rather than to drive them away from it. This means that their education should have the effect of making them interested in the processes of agriculture by making them capable of understanding them better, and of practising them with intelligence. We want them to adopt improved methods in place of their ancestral methods. Now I venture to think that we shall not succeed in doing this by prescribing such special courses in hygiene, civics, agriculture, etc., as are advocated in the two motions before us. I really feel tempted to ask the Hon'ble Members if they really know what boys of six to ten are—what mere children they are. What we really want to do, in the very short time available, in addition to giving them such instruction in the 'three R's' as will develop their general intelligence and enable them to protect their own interests, is to alter their mentality in a way that will persist after they leave school, and that will not be attained, I submit, by such a course as is here proposed. It seems to me that we want something to develop such a sense of necessary causal connexion among familiar natural phenomena as will prepare the ground for profitable vocational instruction at a later stage—I should say something of the kind we call nature study. But I hesitate even to say that, because here again so much depends upon how a subject is taught, and that raises the old problem of getting proper teachers, which is one of the problems that this Bill has to solve. If it is to be a success, we have to solve the problem of getting proper teachers. I trust, therefore, that the Council will not accept these two motions. This Bill is very largely experimental, and we have got to give those who are concerned with the administration of it as free a hand as possible."

The Hon'ble Babu Surendra Nath Ray said :—

"My Lord, I am sorry I cannot accept this amendment. Unless the Education Department chooses to include all these subjects, how can the curriculum suggested by my hon'ble friends be given effect to? The Bill leaves the programme of primary education to be developed according to the wishes of the Education Department alone. Then, the curriculum ought to be different in different localities. How can you teach practical agriculture or agriculture in any shape in the town of Calcutta, because the Bill extends also to the town of Calcutta? Then, as my hon'ble friend Mr. Arden-Wood has said, a boy of ten is a mere child, and how can you give instructions in all these subjects—in civics, in manual training and sanitation in a primary school? So we ought to leave these subjects entirely to the Education Department: they are the best authority on these points and we ought not to interfere."

The Hon'ble Mr. O'Malley said :—

"My Lord, speaking on behalf of the Education Department, I am afraid that I cannot advise the Council to accept this amendment. The reasons are two, and they have already been mentioned by the previous speakers. In the first place, the interpretation of elementary education and its curriculum must vary from time to time. A Bill like this is not a place for

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a definition of education, which should not be stereotyped by legislative enactment. The section, as drafted, gives some latitude and permits of variation to meet the development of ideas about education and its objects, and education is a subject about which ideas are constantly developing. The second reason is that the subjects proposed are in some respects too advanced for the minds of small children; and those who have children themselves must admit that it is not altogether desirable that young minds should be overloaded."

The Hon'ble Babu Ambika Charan Mazumdar said :—

"My Lord, I have already said that I accept the small verbal amendment proposed by the Hon'ble Raja Hrishikesh Laha, so that my amendment with Your Excellency's suggestion will read thus :

'in reading, writing and arithmetic together with such elementary instruction in hygiene, sanitation, agriculture, civics, manual training and other industrial pursuits as is suited to local conditions and requirements.'

The Hon'ble Mr. Arden-Wood, though in full sympathy with the object of this amendment, thinks that the age of boys being fixed at ten, they will be mere children and that it will be impossible to teach them these subjects. With reference to that remark I would simply say that by this amendment I do not mean to suggest that rules of hygiene and higher sanitation should be taught to them; but I do not think it will be at all difficult to satisfy the requirements of this amendment by simply teaching a boy of ten that he ought to have dirty water boiled before using it for drinking purposes or to tell him that he ought to remain neat and clean. These are the ordinary elementary rules which should be imparted to them. I do not suppose that a boy of ten in this country will be found wanting in appreciating such lessons.

Then as regards agriculture and other manual training, I may inform the Council that at the age of ten the boys or children, as you would call them, of labourers, artisans and agriculturists do assist their fathers in tilling the soil, in helping in the work of carpenters and they would easily understand these lessons; but if you keep it still confined to literary education, I am afraid you will find that the primary education which you seek to give to these children will be very very problematical and the result will be very doubtful. I have therefore entered these amended words for elementary rules. My Hon'ble friend, the Member in charge, has taken the safest position of leaving everything to the Education Department and he seems to think—'let the responsibility rest on their shoulders—we have nothing to do with it'. I am not going to endorse a view like that. I do not want to take away from the hands of the Education Department any power which they possess for the purpose of fixing the curriculum or regulating the studies, but we want to indicate the line in which the Education Department ought to move. It has not moved on that line for the last 20 years; and my earnest request to the Hon'ble Members present is—let them by this enactment make it attractive; let the people understand that this education which is meant to be given to them is of an useful character. If we are to leave everything to the Education Department, I do not think it is necessary at all to do anything more than to say that the people will pay an education cess and the Education Department will prescribe the course. For the purpose of spreading primary education we should indicate the proper line and let them give elementary lessons in sanitation and so forth along that line.

Then, my Hon'ble friend has started a serious objection and has asked how this could be done in Calcutta, but Calcutta is not the whole world. I may point out that I have guarded myself against such a contention by saying

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'suited to local conditions and requirements': there the Education Department will be able to suggest modification for Calcutta. As this Bill will be for Calcutta and the outlying districts, I do not understand why this simple amendment has been opposed. In fact, I am perfectly certain that unless we declare what sort of education we are going to give to children, we will fail altogether. It is not simply my view, but in the voluminous report I find that many district officers and other important persons have also suggested that there should be some sort of education which might be useful to the people for whom it is intended."

The motion was then put in the following amended form :—

"That after the words 'elementary education' in lines 1 and 2 of sub-clause (b) of clause (2) the following be inserted, namely :—

'in reading, writing and arithmetic together with such elementary instruction in hygiene, sanitation, agriculture, civics, manual training and other industrial pursuits as is suited to local conditions and requirements.'"

A division was then taken with the following result :—

Ayes—12.		Noes—24.	
The Hon'ble	Raja Hrishikesh Laha, C.I.E.	The Hon'ble	Sir Henry Wheeler, K.C.I.E., C.S.I.
" "	Kumar Shib Shekhare- war Ray.	" "	Mr. J. G. Cumming, C.S.I., C.I.E.
" "	Babu Brajendra Kishor Ray Chaudhuri.	" "	Sir Bijay Chand Mahtab, K.C.S.I., K.C.I.E., I.O.M., Maharajadhiraja Bahadur of Burdwan.
" "	Mr. Arun Chandra Singha.	" "	Mr. J. H. Kerr, C.S.I., C.I.E.
" "	Rai Debendra Chunder Ghose Bahadur.	" "	" C. J. Stevenson-Moore, C.V.O.
" "	Rai Radha Charan Pal Bahadur.	" "	Major-General W. H. B. Robinson, C.B., I.M.S.
" "	Mr. H. R. A. Irwin, C.I.E.	" "	Mr. J. Donald, C.I.E.
" "	Rai Sri Nath Ray Bahadur,	" "	" L. S. S. O'Malley, C.I.E.
" "	Babu Akhil Chandra Datta.	" "	" M. C. McAlpin.
" "	Rai Mahendra Chandra Mitra Bahadur.	" "	" F. A. A. Cowley.
" "	Babu Kishori Mohan Chaudhuri.	" "	" C. H. Bompas, C.S.I.
" "	Babu Ambica Charan Mazumdar.	" "	" W. C. Wordsworth.
		" "	" S. G. Hart.
		" "	Sir Rajendra Nath Mookerjee, K.C.I.E.
		" "	Sir Nilratan Sarkar, K.T.
		" "	Mr. W. H. H. Arden-Wood, C.I.E.
		" "	" Aminur Rahman.
		" "	Babu Siv Narayan Mukherji.
		" "	Mr. W. H. Phelps.
		" "	" G. A. Bayley.
		" "	Maulvi Abul Kasem.
		" "	" A. K. Fazl-ul- Haq.
		" "	Khan Sahib Aman Ali.
		" "	Babu Surendra Nath Ray.

The Hon'ble Mr. Provash Chunder Mitter, C.I.E., abstained from voting.

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The following members were absent :—

The Hon'ble Mr. H. P. Duval.

" " C. F. Payne.

" " Rai Priya Nath Mukharji Bahadur, I.S.O.

" " The Nawab Bahadur of Murshidabad.

" " Mr. J. Mackenzie, O.B.E.

" " L. V. N. Meares.

" " Sir Deba Prasad Sarbadhikari, K.T., C.I.E.

" " Mr. F. W. Carter, C.I.E., C.B.E.

" " W. E. Crum, O.B.E.

" " Dr. Abdulla-al-Mamun Suhrawardy.

" " Mr. M. Ashraf Ali Khan Chaudhuri.

" " Babu Bhabendra Chandra Ray.

" " Mr. Altaf Ali.

" " Babu Mahendra Nath Ray, C.I.E.

" " Mr. K. B. Dutt.

The Ayes being 12 and the Noes 24, the motion was lost.

AMENDMENT No. 7.

Amendment No. 6 being lost the following motion which stood in the name of the Hon'ble Raja Hrishikesh Laha was deemed to have been withdrawn :—

"That at the end of sub-clause (6) of clause 2 the following be added, namely :—

'including vocational guidance, elementary instruction in civics, agriculture, manual training and sanitation.'

AMENDMENT No. 8.

The Hon'ble Babu Kishori Mohan Chaudhuri moved that for the word "children" in line 1 of sub-clause (a) (i) of clause 2A the word "girls" be substituted.

He said :—

My " Lord, by this amendment I propose to substitute the word 'girls' in place of 'children' in clause 2(1)(i) of section 2A. As the Act is intended to provide first for voluntary education and if it is successful, then only to think of compulsory education, and as we have to provide for education of the boys to be made compulsory up to the age of 10, why should it be children, I mean both boys and girls? In arranging for voluntary education in the first instance I, therefore, think that as in the next clause it is provided that necessary enquiries should be made for the boys only, so in this clause also if we are to enquire into the requirements for the girls only, that will serve the purpose. The difficulty which I feel in moving this amendment is that there is in section 21B that whatever cess may be imposed may be spent for voluntary or compulsory education, so if a larger sum is spent for making provision for voluntary education it will be very difficult to make provision for funds for the compulsory purpose. If we are satisfied with making arrangements for compulsory education for boys up to the age of 10, why should we be anxious

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for making arrangements for voluntary education for boys up to the age of 11, I really fail to understand, and that may stand in our way of successfully dealing with the provisions of the Act. The cess, whatever cess we may impose, should not be very excessive, and if a greater portion is spent for persons for whom compulsory education is not provided, we may be satisfied with making provision in that case for the girls only. There is another amendment which I will deal with hereafter, but in this amendment, I move for the word 'girls' in place of 'children.'"

The Hon'ble Babu Surendra Nath Ray said :

" My Lord, I am sorry I cannot accept this amendment of my Hon'ble friend. The effect of this amendment would be to make the scheme of voluntary private education applicable only in the case of girls between the ages of 6 to 10, so that if provision is made for the education of girls between 6 and 10 who are willing to attend primary schools voluntarily, a municipality would be entitled to make primary education compulsory in the case of boys between 6 and 10 under Part III. This supposes that there would be compulsory education for boys as soon as voluntary education for girls is provided. It does not provide for primary education for boys on a voluntary basis. There would be no obligation to provide for compulsory education under the voluntary system in the case of boys. Many municipalities may not for some time to come take advantage of Part III of the Bill. In that case there would be no impetus to primary education for boys. The effect of the acceptance of the amendment would be practically to exclude boys, which was never the intention of any one who has the extension of primary education in the country at heart, and for which object this Bill has been introduced."

The Hon'ble Mr. Wordsworth said :

" My Lord, on behalf of Government I have to recommend the Council to accept the point of view of the Hon'ble Member in charge of the Bill, and not to support the amendment. The Bill aims first at the development of all the possibilities of a voluntary system of education, and secondly at the application of compulsion to a certain limited number of boys. It is reasonable that the number of children proposed to be affected under the voluntary system, should be larger than that proposed to be affected under the compulsory system, and the Select Committee in modifying the Bill deliberately proposed that it should be regarded as the duty of a Municipality adopting the Bill to provide voluntary education for all boys and girls up to the age of 11 before they proceed further. Having done that, they may proceed to apply compulsion to all boys between 6 and 10 not yet affected by the provisions of the Bill. The amendment appears to be based on a misunderstanding of the situation, and I would call the attention of the members of the Council to paragraph 4 of the report of the Select Committee. I think that puts the matter clearly, and indicates why Government is unable to accept the amendment."

The Hon'ble Babu Kishori Mohan Chaudhuri said :—

" My Lord, I am sorry that my amendment was not made clear to the Hon'ble Member in charge of the Bill. By clause 2A it is provided that a statement should be prepared showing the number of children not being less than six or more than eleven years of age, and the number of boys up to ten years of age, so by substituting the word 'girls' for 'children' it is not proposed that the case of the boys should be excluded altogether. The only difference is, as I have explained, that we should be concerned

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with the boys up to the age of ten in every case not only for voluntary education, but also for compulsory education, otherwise it may be that whatever cess may be imposed according to the circumstances of the municipality of the locality, the greater portion or the entire portion will be spent for making provision for voluntary education. To avoid that difficulty, we are making provision for compulsory education up to the age of ten in the case of boys, and similar provision should be made in the case of girls too. There will be no exclusion in the case of boys under clause 2A. There is a provision for the preparation of a statement for boys as well. Of course I have read paragraph 4 of the report of the Select Committee. There it is stated that voluntary education will be provided first up to the age of ten. There are of course various objections to it, and I say it should not be done. In that view I still hope that my amendment should be accepted.

The motion was then put and lost.

AMENDMENT No. 9.

The Hon'ble Babu Kishori Mohan Chaudhuri moved that for the words "eleven years" in line 2 of sub-clause (a) (i) of clause 2A the words "ten years" be substituted.

He said :—

"This motion, as I have already explained, is for voluntary education. We should make provision for boys up to the age of ten years and not eleven years. The same arrangement should be made for voluntary education as well as for compulsory education. That is all I propose by this amendment; it is not necessary to speak in detail."

The Hon'ble Babu Surendra Nath Ray said :—

"My Lord. I am sorry to have to oppose this amendment. My Hon'ble friend has already referred to the report of the Select Committee, and we have raised the age from ten to eleven years in the case of education on the voluntary basis, and the reasons given by the Select Committee are as follows: "Compulsion is to apply to all boys between the ages of six and ten and to them only, whereas the obligations under Part II of the Bill have relation to both boys and girls between the ages of six and eleven. Briefly the effect of the Bill will be to ensure proper provision in the first place for the primary education of all children between six and eleven desirous of attending schools under the voluntary system, and subsequently if and when due provision has been made for their education under the voluntary system for the primary education of all boys between six and ten under the compulsory system." We accepted this recommendation of the Select Committee, and I therefore cannot accept the amendment of my Hon'ble friend."

The Hon'ble Mr. Wordsworth said :—

"My Lord, on behalf of Government I beg to support the Hon'ble Member in charge of the Bill. It was the feeling of the Select Committee, and Government concurred with it, that municipalities may reasonably be called upon to provide education for all boys and girls who wish it, between the ages of six and eleven, before they proceed to apply the principle of compulsion between the ages of six and ten. For this reason, the acceptance of this amendment would be a serious and unacceptable modification of the principles of the Bill."

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"I have already stated my reasons; I do not think it is necessary to say anything more. If it is not the pleasure of the House to accept the amendment, I have nothing more to say."

The motion was then put and lost.

AMENDMENT No. 10.

The following motion which stood in the name of Babu Kishori Mohan Chaudhuri was, by leave of the President, withdrawn :—

If motion No. 8 be carried, also to move that for the word "children" in line 1 of sub-clause (c) (i) of clause 2A the word "girls" be substituted.

AMENDMENT No. 11.

The Hon'ble Rai Radha Charan Pal Bahadur moved that the words "including the receipts from any education cess under clause 21B" in lines 2 and 3 of sub-clause (f) of clause 2A be omitted.

He said :—

"The Bill has undergone a remarkable transformation in Select Committee. The Bill as introduced by my hon'ble friend took power to introduce an education cess with the consent of the municipality concerned, such consent being given by a majority of not less than two-thirds of the Commissioners for the purpose of the imposition of an education cess, in addition to such other receipts, including Government assessment, which the municipality may receive. So it was originally quite optional on the part of the municipality to impose an education cess, and there was such a safeguard as a two-third majority. Reading the collection of opinions which we have received we find that not an inconsiderable number of municipalities have suggested that the number should be increased to three-fourths, and not a few of them have opposed the education cess. Now, my Lord, in Part II of this Bill, the heading is 'Voluntary primary education.' In this clause it will be found that in the statement to be furnished to the Local Government the amount of income and receipts already available as well as the income from any education cess under Section 21B which may become available to meet such expenses should be shown. Now, my Lord, there was a condition precedent in the original Bill that it should be compulsory primary education, and it was furthermore compulsory free primary education. That is now all deleted, and we are offered compulsory or voluntary education and it appears that an education cess is required to be levied upon the ratepayers of the municipalities concerned. Now, my Lord, having regard to the consensus of opinion expressed on this Bill, I think that this should be omitted, and unless it is so omitted, it will defeat the very object of the Bill. As regards voluntary education; I think the Government and the municipalities concerned with their existing resources should be able to carry on the work as best they can. If they are unable to do so, I think the Government ought to come forward and assist them. But if they choose to have compulsory education, they will certainly have to impose an education cess to which I believe the Council has, in a manner, agreed, and therefore I think that this clause ought to be modified by deleting the words which I have moved to be deleted from sub clause (f) of clause 2A. Further, I may point out that in the Punjab, in Assam and the Central Provinces and other

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places, it is not enacted in the Bills that they have passed that an education cess shall be levied by the municipalities concerned for the purposes of carrying out voluntary education. I believe, my Lord, I am correct. Although I have not got the papers before me now, I am quoting the substance and I also believe that your Government is prepared to make substantial contribution for the promotion of primary education in Bengal. Looking at the figures which have been published, I find that the Government spends in Bengal Rs. 2,29,000. with a population of 23 millions. Bombay with a population of 10 millions, spends 30 lakhs and Madras spends a little over 17 lakhs. It will be seen, therefore, that the Government contribution to primary education in Bengal is certainly, I would not say niggardly, but certainly very, very small, and I think Your Excellency's Government is sincerely anxious that this Bill should be welcomed by the people, and that definite steps should be taken for the promotion of primary education in Bengal; therefore, I think that this clause should be modified by deleting the lines which I have indicated."

The Hon'ble Mr. P. C. Mitter said :—

"My Lord, I am sorry I have to oppose my Hon'ble friend Rai Radha Charan Pal. My friend's motion really ought to be taken as a part of the motion which is tabled as item No. 34 where, with regard to clause 21B, my friend says, in effect, that there should not be any education cess so long as the voluntary system is in existence. But if my Hon'ble friend will turn to clause 21B he will see that what is proposed there is that if the existing resources of the municipality including any grant from the Government are not sufficient to cover the expenses, the Commissioners may, with the previous sanction of the local Government, impose a tax called the education cess. My friend's motion seems to be that so long as education is carried on on the voluntary basis, there ought not to be any education cess. With that I emphatically disagree, but at the same time I say that it is as much the duty of the municipality as of the Government, so far as resources are available to help the cause of primary education. This is amply provided for in section 21B. It is only when the resources of the municipality and the Government are not enough, it is then only that power is given to the municipality to raise money by an education cess. Now, if the power be not reserved to the municipality then the whole scheme of the Bill will be rendered nugatory; as I understand the idea underlying the Bill is this: try to do your best under the voluntary system, and it will then be time to come to Part III. Now, if you do your best to promote the voluntary system it must be admitted that it will be possible to educate more boys. Over and above municipal funds and Government grants, more funds may be necessary. There is however one matter which I should like to mention in this connection, and that is about the contribution of the Government. I drew the attention of the Council to that point some time ago. I do not think it will be out of place if I again refer to it. In Bengal in the year 1916-17, it may be 1915-16, I speak subject to correction, altogether about Rs. 37,40,000 were spent on primary education, out of which only about Rs. 2,21,000 was spent directly from provincial revenues. Thirteen lakhs and 15,000 were contributed by district and local funds, and only Rs. 66,087 were contributed by municipal funds, Rs. 17,56,000 were contributed from the Moshin fund and fees, and two lakhs in all were contributed by private individuals, from private sources, so that out of a total expenditure of about 37 lakhs, the direct contribution from Government from provincial revenues was only about Rs. 2,21,000. In Bombay out of a total expenditure of 54 lakhs, 30 lakhs were contributed from provincial revenues. The district board and local boards contributed six lakhs as against our 13 lakhs. Municipal funds there contributed Rs. 7,81,000 as against our Rs. 66,000 and odd, and the reason is obvious, because in Bombay there are rich mufassal

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municipalities full of industrial enterprises. Now, as regards fees, we contribute Rs. 17,95,000 as against Bombay's Rs. 4,42,000 and from private sources the contribution in Bombay is Rs. 4,87,000 as against our 3 lakhs in all. We find that the contribution of the district boards in fees and by private individuals is far more satisfactory than what it is in Bombay, and that the direct contribution from provincial revenues is far less than what it is in Bombay. But I ought to point out in all fairness to the Government that the contribution of 15 lakhs and odd from the district boards is largely lent by the Government. But my point is that it may have been difficult in war times to find more money for primary education so far as Provincial revenues are concerned, but it ought to be possible, at any rate, I hope it will be possible in the future, to spend more from Provincial revenues, and from what Your Excellency and the Government have said in the past, I have every expectation that my hope will be realised. As clause 21B provides for Government contribution and also income from the municipalities, and it is only when such income is insufficient that the municipalities will be allowed to impose an education cess, there are ample safeguards, therefore, I am of opinion that the clause as provided ought to stand."

The Hon'ble Babu Surendra Nath Ray said :—

"My Lord, I think I ought to accept this amendment. The Bill as introduced contemplates an education cess only when primary education has been made compulsory and made the imposition of such a cess a concomitant of making primary education entirely free. It appears to be quite reasonable that the second condition, namely, of making primary education free as a condition of the imposition of an education cess, should not be insisted upon. But the amended Bill permits an education cess to be imposed for the purpose of financing primary education even on a voluntary basis.

The statement to be submitted to Government under clause 2A, sub-clause (f), will comprise an estimate of receipts already available and other probable income, including receipts from any education cess. After this statement is submitted, Government will determine the amount of financial assistance to be given by them for enabling the Commissioners to provide for an extension of primary education on a voluntary basis under Part II. There is therefore some ground of apprehension that Government may not be willing to make any adequate contribution unless the Commissioners are ready and willing to impose an education cess. Education cess in that event becomes the rule, and may be made *in practice* a condition precedent to Government aid. The Government may not have any such idea but the Bill leads itself to such construction in the public mind.

Education cess should not be thought of, except as an optional concomitant to the introduction of compulsion. Such a cess may not be imposed even if primary education is made compulsory by a certain municipality, but it should never be capable of imposition unless such education is made compulsory. This seems to be in accord with public opinion. The capacity of our people for paying taxes is limited and no fresh impost can be justified except in very special circumstances—compulsory primary education may be considered to be such justifying circumstances by certain municipalities, it may not be considered in that light by others. A perusal of the opinions of the municipalities on this Bill will convince anyone that an education cess will be quite unpopular and in certain cases unbearable to the people.

Mr. Blackwood, the District Magistrate of Bakarganj, says :—

'The problem is mainly one of expense, and it will be observed that while all the opinions given are in favour of the Bill, a number express the hope that Government will contribute such a sum as will render the imposition of an education cess unnecessary.'

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The District Magistrate of Burdwan says :—

'In my opinion the question of cost precludes the introduction of such a measure at present. Municipalities are at present unwilling to spend enough money on essential services, such as roads, water-supply and sanitation, and it would be unwise to saddle them with a heavy additional burden.'

The Chairman of the Noakhali Municipality says :—

'None of the Commissioners raised any objection to the Bill to be legislated for the extension of the primary education in all municipalities in Bengal. But the necessary expenditure which will be incurred on this account will hardly be met with from the insufficient fund of this municipality. Most of the ratepayers of this municipality are very poor, and this will be a heavy burden on them if the education cess as laid down in the Bill is imposed on them for the purpose. In such a case, contribution from Government will essentially be necessary to give effect to the Bill, if passed.'

The Chairman of the Midnapore Municipality says :—

'This Municipality, however, earnestly hopes that the State will, as soon as normal conditions are restored after the conclusion of a general European peace, continue to bear the entire cost of giving primary education to the people of this country or at any rate bear a major portion of it.'

There are other municipalities and public bodies which have given expression to similar views.

It must be remembered that these opinions are based on the Bill as it originally stood, which contemplated an education cess only after the introduction of compulsion and as making primary education free. How much more unpopular will the present provision be which permits such a cess even without the introduction of compulsion. If the provision is retained in its present shape, the inclination of the municipalities will be to give the measure a wide berth. The Bill as amended invests Government with authority to exercise some sort of compulsion on municipalities in the circumstances set down in clause 2B for the purpose of expanding education on a voluntary basis. But it is to be doubted whether Government can compel any municipality to take advantage of the Bill if it means the imposition of an education cess which the municipality may be unwilling to impose.

Government must be prepared to make liberal contribution, and at the same time relax the high standard they have set up for buildings and equipment of the primary schools. And education cess should be excluded from calculation while considering the question of expansion of education on a voluntary basis under Part II."

The Hon'ble Babu Ambika Charan Mazumdar said :—

"My Lord, when the Bill was originally published it received a hearty welcome from the people. But I may say now that since the Bill has emerged in this form out of the Select Committee, there is a considerable volume of opinion opposed to this measure, and the reason is simply this : that a cess is going to be imposed even when education is voluntary. If it is to be compulsory, the people are prepared to make a sacrifice, but if it is to be voluntary and they have to pay a cess, I would like to know, as many people whom I have consulted are desirous of knowing, if there is any country or province where education cess is imposed when education is carried on only on a voluntary system. As far as I am aware this is a novel

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provision. We shall have elementary education on a voluntary basis and at the same time pay a tax for the same. I do not know how many municipalities will be encouraged under these provisions to come forward to introduce this measure within their jurisdiction, and there could not be a surer way of making this Bill, if not altogether a dead-letter, I say almost an unqualified failure than to provide an education cess even on a voluntary basis."

The Hon'ble Rai Mahendra Chandra Mitra Bahadur said :—

"My Lord, having been connected with many municipalities and having had charge of many primary schools, I venture to offer a few observations in support of the amendment that has been made by my Hon'ble friend. I may here also add that I have had the opportunity to discuss this subject with responsible people who can advise on the subject. My Lord, the municipalities will not welcome such an education cess on a voluntary basis and neither in my humble opinion is it proper that education cess should be given on a voluntary basis. Before the Bill was talked of the *gurumahasyas* used to get their wages in the shape of mangoes and other gifts which the students distributed to them. The people were not in a position to pay them adequately till we find from the history of education that Government took up the question in right earnest. The result is that there are various complaints in many quarters as to the proposed imposition of an education cess on a voluntary basis. The question is quite different if compulsory education is imparted, but, my Lord, I venture again to submit to Your Excellency and to the Council that the proposition will be considered very hard if such an imposition of education cess is to be made when education will be given on a voluntary basis. My Lord, I do heartily support the amendment which has been made by my Hon'ble friend."

The Hon'ble Sir Nilratan Sarkar said :—

"My Lord, I would not like to give a silent vote in connection with this resolution. I am, I might be excused for mentioning, unconnected with any municipality except as a tax-payer. We have heard what the opinion of most of the municipalities would be because we have so many representatives of municipalities on this Council. But I am afraid the municipalities have a duty to do in this connection. Much has been made of the idea that the proposal is one for the spread of education on a voluntary basis. I suppose none present here thinks that it should be voluntary for any of the municipalities to impart or not to impart education to the children living within its jurisdiction. By the word 'voluntary' as used there, I understand voluntary on the part of the parents of the children. But suppose in this city of Calcutta we find after ascertaining the facts carefully that there are one lakh of children who would come forward voluntarily to place themselves under tuition. Now, how are we to train them? Are we expected to make bricks without straw? How much can we expect from Government? Government can spend a large sum, but the question of primary education can be solved from the financial point of view only after spending a much larger sum. Do we expect that the Government from the public exchequer should bear the whole cost of primary education. And even if they are disposed to do so, how should they manage the other departments? Then there is the other question. There are the local bodies, the students and their guardians. Do we expect a very large sum from the guardians of these students of the lower classes, or a very large contributions from the local bodies? My Hon'ble friend Mr. Mitter has already given us an idea of how the sum of 38 lakhs in Bengal is made up. I do not think that if the present

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system is allowed to continue, the sum could be stretched to a much larger figure—it might come up to 40 or 50 lakhs in five or ten years. Then, what is the use of this Bill? If we are not prepared to vote for a cess. Directly the Bill would be useless, or indirectly, the money must come from the people. If Government has to pay, Government has to collect that in the shape of taxation or in some other shape. Why not do it directly? I do not say that much importance can be attached to the matter of spreading education on a voluntary basis. This, of course, will only make the way smooth. Compulsory education was the thing aimed at in the original Bill; but the Select Committee found that to be an impossibility in the present conditions, especially on financial grounds. If we could have a very large sum at present we should certainly adopt education on a compulsory basis at once. Of course, by introducing it on a voluntary basis, we considerably reduce the number of students who are likely to join schools; but, on the other hand, we gradually train ourselves to defray the educational expenses of our children. By taking up the lighter burden first and gradually taking up the heavier burden we can in course of time meet the difficulties and solve the problem. If we want primary education, which is not a luxury but a necessity, which we must have, we must spend our money for it, and the municipalities must agree to introduce cesses in their jurisdiction, and other local bodies must also try to raise funds from local sources: otherwise, it would be just as well to give up the measures."

The Hon'ble Mr. Wordsworth said :—

"My Lord, I am unable, on behalf of Government, to advise the Council to accept this amendment. It is, in my opinion, the most important amendment on the paper and it cuts at one of the fundamental principles, if not the most important principle, of the Bill. As the Bill was originally introduced in Council a cess was made a concomitant only of free and compulsory education. This aspect of the Bill was considered at great length and with great care in the Select Committee. The opinions which had been received on the Bill, including those quoted to us by the Hon'ble Member in charge of the Bill, were then carefully considered; and the Bill, as now amended, was finally decided on without a dissentient voice by the Select Committee. The Hon'ble Member who has moved the amendment and the Hon'ble Member in charge of the Bill were members of the Select Committee; and they have signed the report of the Select Committee and accepted the new principle without a word of dissent, and the Hon'ble Member who has moved the amendment has not clearly explained the reasons for his change of front. The view of the Select Committee—and this is the view that commends itself to Government—was that the inclination of the people towards education should be fully utilised before municipalities were allowed to have recourse to the principle of compulsion. Compulsion in education is new to Bengal: it might prove in practice to be an unwelcome principle, and we think that any advance against opposition should be guarded against by utilising the wishes of the people as fully as possible before recourse was had to it. It was therefore felt to be fitting that the Municipal Commissioners should be given every facility for developing education on a voluntary basis. These facilities included facilities for increased resources. I am afraid that it has been suggested to the Council, or if not suggested, I am afraid some members of Council may have assumed, that the imposition of this cess is an obligation provided for by the Bill. If they will refer to the clause in question, they will find that the cess may be imposed at the instance of the Commissioners. The imposition of the cess is therefore an optional matter: presumably no cess would be imposed unless local opinion was reasonably favourable to its imposition. The Hon'ble Member's

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motion would limit the facilities offered to the Commissioners for the development of education within their areas. The imposition of a cess would be in itself a definite act, but this act would be the culmination of a long process of development, and the act itself might reasonably be regarded as a part of that process of development, since its consequences would be inseparably merged in all the consequences of that continued development. It is not to be supposed that if compulsion were applied to any area, there would be separate schools established for the benefit of boys brought to school under that act of compulsion. When the Bill is fully adopted in any municipality, there will be three kinds of children at school. There will be all boys between the ages of six and ten, who must go to school; there will be all boys between the ages of ten and eleven who may wish to go to school; and there will be all girls between six and ten who may wish to go to school. There may be other classes of boys and girls of other ages, for the Bill does not limit the powers of the Municipal Commissioners in that respect. But these three classes of children will not be provided for in separate classes of schools. The Municipal Commissioners will naturally consult the question of finance, of organization, and of economy, and children brought to school under the act of compulsion will presumably be distributed amongst the schools that already exist under the voluntary system. It is not clear, therefore, how and with what justice the Commissioners should be debarred from imposing this education cess at any part of the process. They cannot keep separate accounts for the children brought to school under the act of compulsion and say that this money comes from an education cess and therefore shall be devoted only to the children who attend under compulsion. On the other hand, if this education cess is to be devoted to the welfare of education within the municipality, it is not clear why the process, which may be a long process lasting for many years, should not be financed by additional resources until the Commissioners are in a position to impose compulsion and so obtain the cess. For these reasons, Government lay great stress upon the fundamental principles of the Bill and consider that if the Bill is to have any effect, the Commissioners should be enabled to do all that they can and this cess is one of the means by which they will be enabled to develop their resources for this purpose. There need be no apprehension that the imposition of a cess and its utilisation for education under voluntary conditions will impair the hope or prospect of adequate Government assistance. This is nowhere contemplated in the Bill. It is impossible for anyone to say now what resources Government may be able to contribute for this purpose in future years; but enabling the Commissioners to impose a cess will not impair their hope of assistance from Government. If we take a municipality in which say 65 per cent.—not an reasonable figure for some municipalities—of the children go to school, it is difficult to see why the Commissioners should not be empowered to add to their resources unless they force the other 35 per cent. to school. If the Commissioners care to assume responsibility for the efficient education of the 65 per cent., surely they should be enabled to provide ways and means. The amendment, if accepted, would give considerable advantages to municipalities which are very backward in education as compared with those which have made considerable progress and will make considerable progress under the voluntary principle. I think that we all agree that progress under the voluntary system will be more valuable than progress under the application of compulsion. For these reasons, I am unable to recommend to the Council the acceptance of this motion.

The Hon'ble Rai Radha Charan Pal Bahadur said :—

"My Lord, in the first place I should briefly reply to the points that have been raised by the Hon'ble Mr. Wordsworth, that I as a member of the

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Select Committee I did not record any note of dissent, but I was moving this amendment here. I do not know whether Mr. Wordsworth is aware that I signed this report of the Select Committee subject to the right of moving amendments; this proviso has not appeared in the report. I do not know whether it is usual for it to be printed or not, but I was told that I had the right of moving amendments. However, that is one point, and then Mr. Wordsworth might refresh his memory that in the Select Committee this Bill underwent a wonderful transformation beyond recognition. So many amendments and such drastic changes were made—I say some with my concurrence—and the drafting was hurriedly done and changed the next day in pencil first and then it was typed—that one could not always keep in mind what particular wordings of the clauses were accepted by the Select Committee. I make a frank confession, my Lord, if that is a fault on my part, I plead guilty to it. That is one of the reasons why I claim a right of moving the amendments.

Then, my Lord, with reference to the argument adduced by the Hon'ble Mr. Wordsworth, and I think it covers the arguments that have been adduced by other speakers, that the municipalities are not bound to impose an education cess, I know very well that they are not, but what I say is this—that under clause 2A for the promotion of voluntary education the Local Government may call upon the municipalities concerned to submit a statement of receipts and expenditure and the receipts should include the amount recoverable from education cess and then the subsequent clause is that the Local Government will, after considering that statement, determine the amount of contribution that is to be given from the Government Exchequer, and will then issue directions. My apprehension and that of the outside public is that you will be taking away by the left hand what you give by the right hand. I submit that this should not be the position of Government with reference to a matter like education. My friend, the Hon'ble Mr. Mitra, who has opposed this amendment, has shown that out of a total expenditure of 37 lakhs of rupees, the Government contribution is Rs. 2,28,000. Having regard to the opinions that have been expressed by the municipalities, and having regard to the conservative nature of the country, I think that a great advance has been made in that the municipalities have consented to the imposition of an education cess, if education is made compulsory in their areas and provided a substantial grant is made by Government. Mr. Mitter says—perhaps he has forgotten in his enthusiasm that it is not so—that there are ample safeguards. I emphatically say that there is absolutely no safeguard, but there was a safeguard in the original Bill—two-thirds majority at a special meeting of the municipality—which has been removed altogether. As there is no safeguard and having regard to the volume of public opinion in this matter and the poverty of the municipalities, I think it would be better not to impose an education cess for the promotion of elementary education. Government ought to be liberal with them and ought to show that they were doing their best to promote voluntary education, and it was now the turn of the Municipalities to come forward and make it a compulsory one and tax themselves for the purpose. Education and public opinion have so far advanced that you will find that there will be ready response to that request of Government. I submit that Mr. Mitter sitting comfortably in his house within the four corners of Calcutta can say anything he likes, but I can lay a wager with my Hon'ble friend that if the Bill which is now materially modified in the Select Committee is published again, there will be a considerable volume of public opinion against it. The education cess will affect the rich and the poor alike and therefore what I beg to submit is this—let Government show its utmost generosity and give tangible proof that it is willing to promote voluntary education by giving them sufficient funds

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and thus lead them on the onward path. Let them then say to the Municipality now it is your turn to make your foot steady and proceed with a cheerful heart and attain your goal.—That is the reason that has prompted me to move this amendment”.

(At this stage a division was called for.)

The motion was then put—

The Hon'ble Rai Radha Charan Pal Bahadur said :—

“ May I be permitted to draw Your Excellency's attention to one matter. There is a misapprehension in our quarter whether we ought to vote 'aye' or 'no'. The question has been put in a way which is rather confusing to us.”

The President said :—

“ I am sorry if I have confused some Hon'ble Members. The question has been put in the ordinary way in which an amendment is put in the House of Commons. If an Hon'ble Member wishes to vote for the clause as it stands, as it appears in the Bill, then he will vote 'aye'. On the other hand, if they wish to see the clause changed in the way suggested by the Hon'ble Rai Radha Charan Pal, then they vote 'no.' ”

A division was then taken with the following result :—

Ayes—11.

The Hon'ble	Mr. Aminur Rahaman.
“	“ Raja Hrishikesh Laha,
“	“ C.I.E.
“	“ Babu Siv Narayan
“	“ Mukharji.
“	“ Kumar Shib Shekharewar
“	“ Ray.
“	“ Babu Brajendra Kishor
“	“ Ray Chaudhuri
“	“ Rai Radha Charan Pal
“	“ Bahadur.
“	“ Babu Akhil Chandra Datta.
“	“ Rai Mahendra Chandra
“	“ Mitra Bahadur.
“	“ Babu Surendra Nath Ray.
“	“ Babu Kishori Monan
“	“ Chaudhuri.
“	“ Babu Ambika Charan
“	“ Mazumdar.

Noes—23.

The Hon'ble	Sir Henry Wheeler, K.C.I.E.,
“	“ C.S.I.
“	“ Mr. J. G. Cumming, C.S.I.,
“	“ C.I.E.
“	“ Sir Bijay Chand Mahtab,
“	“ K.C.S.I., K.C.I.E., I.O.M.,
“	“ Maharajadhiraja Bahadur
“	“ of Burdwan.
“	“ Mr. J. H. Kerr, C.S.I., C.I.E.
“	“ Mr. C. J. Stevenson-Moore
“	“ C.V.O.
“	“ Major-General W. H. B.
“	“ Robinson, C.B., I.M.S.
“	“ Mr. J. Donald, C.I.E.
“	“ Mr. L. S. S. O'Malley, C.I.E.
“	“ Mr. M. C. McAlpin.
“	“ Mr. F. A. A. Cowley.
“	“ Mr. C. H. Bompas, C.S.I.
“	“ Mr. W. C. Wordsworth.
“	“ Mr. S. G. Hart.
“	“ Sir Rajendra Nath Mookhar-
“	“ jee, K.C.I.E.
“	“ Sir Nilratan Sarkar, K.T.
“	“ Mr. W. H. H. Arden-Wood,
“	“ C.I.E.
“	“ Mr. Provash Chandra Mitter,
“	“ C.I.E.
“	“ Mr. Arun Chandra Singha.
“	“ Mr. W. H. Phelps.
“	“ Mr. G. A. Bayley.
“	“ Mr. H. R. A. Irwin, C.I.E.
“	“ Maulvi A. K. Fazl-ul-Haq.
“	“ Khan Sahib Aman Ali.

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The following members abstained from voting :—

The Hon'ble Rai Debender Chunder Ghose Bahadur.
 " " Rai Sri Nath Ray Bahadur.

The following members were absent :—

The Hon'ble Mr. H. P. Duval.
 " " Mr. C. F. Payne.
 " " Rai Priya Nath Mukharji Bahadur, I.S.O.
 " " The Nawab Bahadur of Murshidabad.
 " " Mr. J. Mackenzie, O.B.E.
 " " Mr. L. V. N. Meares.
 " " Sir Deba Prasad Sarbadhikari, K.T., C.I.E.
 " " Mr. F. W. Carter, C.I.E., C.B.E.
 " " Mr. W. E. Crum, O.B.E.
 " " Dr. Abdulla-al-Mamun Suhrawardy.
 " " Maulvi Abul Kasem.
 " " Mr. M. Ashraf Ali Khan Chaudhuri.
 " " Babu Bhabendra Chandra Ray.
 " " Mr. Altaf Ali.
 " " Babu Mahendra Nath Ray, C.I.E.
 " " Mr. K. B. Dutta.

The ayes being 11 and the noes 23, the motion was lost.

AMENDMENT No. 12.

The Hon'ble Babu Ambika Charan Mazumdar moved that in clause 2A, the word "and" at the end of sub-clause (e) be omitted, and after sub-clause (f) the following be inserted, namely :—

"and

(g) the amount of grant or assistance from the Government which the Commissioners consider would be necessary to enable them to provide for primary education within the municipality, or any part thereof."

He said :—

"My Lord, in clause 2A it is proposed that the municipalities concerned should submit a statement showing certain particulars which are enumerated as (a), (b), (c), (d) and so forth, and in clause 2B it is provided that the Government after considering that statement and also after determining the amount of financial assistance from the Government may direct the Commissioners to assume any management and control. I submit that in sub-clause (f) we have given all the details that may be required by Government, but I think an opportunity should be given, at the very earliest opportunity, to the municipality concerned, to say what amount of grant it should require from the Government, and therefore I propose to insert a sub-clause (g) after sub-clause (f); so that, in the statement to be given by the municipality, it ought to be allowed to state what amount of assistance would require and then the Government under section 2B would be in a position to determine the amount of assistance. I think this is very reasonable, and the amendment should be accepted."

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The Hon'ble Babu Surendra Nath Ray said :—

"My Lord. I have great pleasure in accepting this amendment."

The Hon'ble Mr. O'Malley said :—

"My Lord, Government also are prepared to accept the amendment."

The motion was then put and agreed to.

AMENDMENT No. 13.

The following motion which stood in the name of the Hon'ble Babu Kishori Mohan Chaudhuri was, by leave of the President, withdrawn :—

That for the words "eleven years" in line 11 of clause 2B the words "ten years" be substituted.

AMENDMENTS Nos. 14 AND 15.

The Hon'ble Babu Ambika Charan Mazumdar moved that at the end of clause 2B the following be added, namely :—

"Provided that the amount of financial assistance from the Government mentioned in this section shall not be less than 30 *per cent.* or more than 50 *per cent.* of the total expenditure involved in each case."

He said :—

"My Lord, much that I have to say in regard to this amendment has already been said by many of the members of this Council. Clause 2B provides that the Government will determine the amount of assistance. My proposition is that the amount of financial assistance from the Government mentioned in this clause shall not be less than 30 *per cent.* or more than 50 *per cent.* of the total expenditure involved in each case. It is the sacred duty of Government to provide for the education of the poor, and I think the figures that have been placed before this Council by my friend the Hon'ble Mr. P. C. Mitter are very striking. He has shown that the Government of Bengal spends much less than the Government of Bombay for the purpose of primary education. I know Government contemplate the provision of as much as they can for primary education to help the municipalities in extending the provisions of this enactment, but I think Government ought to have courage and generosity enough to come forward to announce to the public that the Government do not keep it entirely at its sweet pleasure, but that it is prepared to make substantial grants for the purpose of extending primary education in the country, and therefore I think that the least they can do is to say that Government is not going to pay less than 30 *per cent.* and it may go up to more than 50 *per cent.* But, my Lord, having regard to the trend of these grants which we have seen from time to time with regard to education. I have not been bold enough to rise to the top of my courage in this matter, and therefore I have kept it between 30 and 50 *per cent.* My Hon'ble friend on my right was just telling me that it is 50 *per cent.* in England, but I know India, and for the matter of that Bengal, is not England, and if we can get substantial assistance from the Government, namely, not less than 30 *per cent.* it will be some encouragement to the municipalities to come forward to extend the provisions of this Act; but if they are left entirely

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in the dark as to what amount Government will grant, probably many will not venture to come forward with a prayer for extending the provisions of this enactment within their jurisdiction. Therefore I think that Government ought readily to say that they shall grant at least 30 per cent. And in order that the people may also tax themselves, I have not gone beyond 50 per cent. It is for the purpose of making this enactment operative that I propose that Government should readily come forward with substantial help, and if it is not prepared even to grant 30 per cent., what the fate of this enactment may be, may easily be conceived."

The Hon'ble Babu Surendra Nath Ray said :—

"My Lord, I leave this amendment to Government to decide, but I should like to say a few words with reference to the Government contribution. The success of this measure, I mean the extension of primary education in the country, must depend on the share which the Government is prepared to bear of the cost. Mr. Gokhale in introducing his Primary Education Bill in the Imperial Legislative Council, said that in England the Parliamentary grant covers about two-thirds of the total expenditure on elementary schools. In Scotland it amounts to more than that proportion, whereas in Ireland it meets practically the whole cost. I think we are entitled to ask that in India at least two-thirds of the new expenditure should be borne by the State. The resources of the public bodies of this Province are limited. In Bombay the municipalities as a general rule get very substantial contribution from Government. While there is a general desire in this country for extension of primary education, people are afraid of the cost. I have already placed a few of the remarks on the question of Government aid and imposition of an educational cess while speaking on the amendment of my Hon'ble friend Rai Radha Charan Pal, so I would not like to say anything more on the subject."

The Hon'ble Mr. P. C. Mitter said :—

"My Lord, I would also leave this amendment to the Government, but in doing so, I desire to point out one aspect of the question which seems to have been overlooked. I mean the question of taxable limit, whether it be by the Municipality or the Government. Some of us may think that so long as we say that Government should contribute more, we are really serving the people. Others again may take too narrow a view of things, and think that it is possible for municipalities to raise large sums of money, but what are the facts? The municipalities in Bengal, at least most of them, excepting Calcutta and perhaps Howrah, are very poor. If you compare the condition of municipalities in Bengal with Bombay, or for the matter of that with Madras and the United Provinces, you find that the Bengal municipalities are poor. What are the conditions of municipalities in general? Only a collection of houses, where pleaders and officials live, and perhaps a few zemindars. Without manufactures, without industries, it is not possible for municipalities to find large sums of money, and therefore it is not possible for the municipalities to incur large expenditure for the cost of primary education whether it be voluntary or compulsory, so it is a question of the Government augmenting the resources of the municipality, and not of the municipality augmenting the available resources of the Government. If the Government on the one hand merely admits that 30 or 50 per cent. must be paid by the Government and so long as that percentage is not paid, work should remain at standstill, then who suffers? The people who live in the jurisdiction of the municipality suffer. At the same time, if the Government takes up the attitude that so long as municipalities do not help themselves, they will not help them, then as a question of

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abstract principle it is all right, but in the result perhaps the interest of the Government and the municipality in the matter of education will suffer. Therefore I am inclined to think that perhaps the best course would be to leave matters as they are. If we fix a percentage of 30 or 50 per cent. perhaps those who have the interest of primary education at heart may be confronted with the hard-and-fast rule laid down in the statute. With these remarks I leave the matter to the Government."

The Hon'ble Mr. O'Malley said :—

"This is the first of three amendments designed to impose financial liability on Government. In each case a minimum is to be fixed for the Government contribution. Under this amendment the minimum is to be 30 per cent. and under amendments Nos. 15 and 30 it is to be 50 per cent. From the point of view of Government all the amendments are open to the same objection. It is arguable in the first instance whether it is right to impose a financial obligation on Government in perpetuity by a legislative enactment. The amount which Government can give in any one year must depend on the amount available as well as the other needs of the administration. This is a familiar principle on which the budget is generally framed. I may further point out that Government already makes considerable grants to local bodies for purposes of education, although admittedly only a portion of the grants is derived from provincial revenues. Recently I had occasion to refer to the figures and I find the following result. In 1917-18 local bodies in Bengal spent 14½ lakhs on education. Of this sum nearly 11½ lakhs consisted of Government grants made over to local bodies. This was in addition to direct expenditure by Government of 82½ lakhs on education. I would invite special attention to these figures, and I may say in explanation that I am here not making a distinction between Provincial and Imperial revenues, but have lumped both together as showing State expenditure. In the last year, as in other years, the Government grants to municipalities were much smaller than those made to district boards, but still they represented a little over one-third of the amounts found by the municipalities themselves. Government intend to continue to make grants to local bodies for education. Government is in entire sympathy with the object of the Bill which is to stimulate the extension of primary education, but the actual amount given by Government each year must depend on the amount at its disposal, and the share municipalities get must depend on the other demands for education. For instance, Government can scarcely be expected to starve district boards, with their vast areas and great population, for the sake of municipalities which after all only account for a small portion of the population. The needs of both district boards and municipalities have to be considered and a fair and equitable distribution made of the money available. Another objection to the amendment is that we do not know what will be the total amount necessary for a proper system of primary education in municipalities, or how much can be met from different sources, such as fees, education cess, endowments and so on. Without definite knowledge on this point, it is impossible to say what grant would be required from Government. In some places it is possible that a Government grant would not be required, and if so, the amendment would merely transfer to public revenues a charge which could be met from other sources. Government cannot accept a liability of an indefinite kind such as this amendment contemplates now that the financial future is dark and uncertain. The Council are aware that a new system of provincial finance is contemplated under the Reform scheme. A scheme of settlement has been proposed which aims at the separation of

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Imperial and Provincial resources and responsibilities in the matter of finance. The present system of Imperial subventions will cease, and it would be unwise, to say the least, for the local Government to entertain expectations of assistance beyond that which it can afford from provincial resources. The report on the Reform Scheme gives an estimate of the provincial revenue as 734 lakhs and of the expenditure as 675 lakhs; the contribution to the Government of India, however, is put down at 69 lakhs and the provincial surplus is therefore only 10 lakhs. It is at present impossible to say what will be the demand on the provincial surplus, but as things are at present, the Government is obliged to decline to be bound by law to a liability of an indefinite amount as proposed in the amendment which I must therefore oppose on behalf of Government."

The Hon'ble Rai Debender Chunder Ghose Bahadur said : —

" My Lord, after what has fallen from the Hon'ble Mr. O'Malley it gives grounds for distrust that the Government do not mean to devote any appreciable part of their revenues for the promotion of mass education. Otherwise, such a modest proposal as this—as the Hon'ble Babu Ambika Charan Mazumdar says, the Government contribution should not be less than 30 *per cent.* of the total cost and not more than 50 *per cent.* of that cost—should find a place in the statute-book instead of being opposed by a pronouncement on behalf of Government. This leads me to refer to a little ancient history. When the East Indian Company came to sovereignty and after the Government became settled, the land revenue of the country was secured by a wise act of the British Government. When the President of the Board of Control was Mr. Dundas, and the Prime Minister Mr. Pitt, their instructions for a permanent settlement of the land revenue were carried out by Lord Cornwallis in this country; after that the Government gradually found time to consider the question of education in this country and during the time of Lord Bentick the idea of fostering western education was taken up. Mass education was not thought of at that time. The reason of course was clear. In England there was no mass education at that time and in England it was not till the year 1870 that any serious effort was made to introduce primary education in that country. The East India Company by their despatch of 1854 broached this idea and though their despatch did not exactly result in the introduction of mass education, a great impetus was given to education in the country. The East India Company were composed of commercial men—not men of broad views—and they could be excused if they did not take a very high view of their duties of sovereignty. Then came the transfer of the sovereignty from the East India Company to the Crown, and it appears that mass education was not very seriously considered for some considerable time. The attitude of Government was this : they must spend some money for education : otherwise it would look very disreputable. That was how matters stood. In 1870 when mass education was introduced in England and by the Act of 1870 and the Act of 1876 education was made compulsory there, we find that England having recognised that the duty of the State was to see that every child in the land got education, it slowly dawned upon the horizon of this country that similar things should be done here also. But there was not a proper conception of the duties of sovereignty in this respect in this land for a considerable time. I take it that the primary duties of the State are the preservation of peace and order, the administration of justice and the giving of education to every child in the land. The third duty has very slowly dawned upon the Government of this country. It is said that the revenues are not sufficient and my Hon'ble friend on my right, Mr. Mitter, considers that the purse-strings of Government should be kept tight when any demand for education is made. He says that if Government were to allow so much as 30 or 50 *per cent.* for mass education, it is your money going in a shape, and

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therefore the best thing is to leave things as they are. I want to leave no room for Government hereafter to get away and say 'Oh, you are able to provide for your education and we will not allow you any grant from Government.' That is our suspicion and the answer of the Hon'ble Mr. O'Malley supports that suspicion. When it is said that the revenues of Government are not sufficient, it is meant that the allotments made by the Government of India to the Government of Bengal for purposes of administration will not be sufficient if we are to make such grants for mass education. The Government of Bengal has only to apply to the Government of India and to move that Government to make a larger allotment. I think I am not far wrong that taking the revenues of Bengal, without the Government of India having the lion's share of it, they are amply sufficient for giving free and compulsory education to the masses of the soil. The proportion of literates in the population in this land is exceedingly low. I have forgotten, Sir, the figure which my Hon'ble friend Mr. Mitter has furnished us—I think it is 6 per cent., but still it is very low. If the members feel that India may be made more prosperous and a boon to the rest of the world, for this purpose every *sou* must be given to education. If India has to contribute to the general intelligence of the world, and to the better advancement of scientific truth and industry there should be no shirking of duty as regards the promotion of education amongst the masses. If there be a statutory provision for the grant, that will be some security for that. I may be permitted to mention—and I may also correct the Hon'ble Mr. Mazumdar—that the state of things in England is this: I am not aware that there is a statutory provision in England for the proportion of State-grant, but I recently requested, in view of what Mr. Gokhale said some eight years ago in the Imperial Legislative Council that the State in England provided $\frac{1}{3}$ rd of the cost, a proper person to look into the matter for me and I found what the figures are for the year just preceding the war (1913-14); the contribution of the State for primary education in England and Wales was about one-half of the total cost, and that is the state of things which, I believe, has been going on for some time. I do not know what the state of things in Ireland and Scotland is as I have not got the figures with me. Therefore we are entitled to say that if in England the local bodies are helped to the extent of one-half of the cost of primary education by the State, may we not venture to ask for some thing here, and I should not have asked for a statutory provision if my suspicion as regards the future attitude had not been confirmed by the observations of the Hon'ble Mr. O'Malley. I think, my Lord, there is a feeling amongst our people that Government is not doing fairly with us as regards the promotion of mass education. Do we forget that some ten years ago, when Mr. Gokhale moved in the matter for the introduction of mass education in India, the local Governments opposed him and the Bill was opposed by the Government in the Council and was defeated. That shows, Sir, the reason for a statutory obligation on the Government that they must provide a substantial portion of the cost."

The Hon'ble Rai Radha Charan Pal Bahadur said :—

"My Lord, just following the motion of my Hon'ble friend Babu Ambika Charan Mazumdar the next motion is mine. I do not know whether I shall be in order to move my motion at this stage."

The President said :—

"It depends entirely on whether the motion which is before the House is accepted or not. If the motion is not carried, then the Hon'ble Member will not be in order."

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"My motion is that the financial assistance from the Government shall not be less than half the total amount of expenditure. Therefore, I submit, that my motion precedes that of my friend the Hon'ble Mr. Mazumdar."

The President said :—

"The question in the two amendments is the same, the only difference being in the figures. The most convenient way will be for the Hon'ble Members to discuss both amendments now and they can vote for one when it is put from the Chair. I must take them in the order in which they appear on the agenda paper."

The Hon'ble Rai Radha Charan Pal Bahadur said :—

"My Lord, the matter has been very fully discussed and I do not wish to say much on the subject because I can well understand the fate of this motion. The Hon'ble Members who were members of the Select Committee will perhaps remember that I was one of those who wanted that some statutory proportion should be fixed in the Bill. I am not prepared to accept the motion of my Hon'ble friend Babu Ambika Charan Mazumdar, because he fixes the minimum of 30 and maximum of 50 per cent. I have tried to follow him in the speech he has made, but I do not quite understand on what grounds he limits the maximum to 50 per cent. This matter had been fully discussed in the Corporation and the Corporation, it will be found, recommended that for voluntary education Government should pay half and for compulsory primary education an amount not less than double the amount set apart by the municipality for primary education. This was unanimously accepted by the Corporation which is composed of all sections of the community. Then, my Lord, my Hon'ble friend, Mr. Mazumdar, is the President of an Association which is well known in the city—the Indian Association (The Hon'ble Babu Ambika Charan Mazumdar—Not now), and that Association I find have made out a strong case for a contribution from Government, and they say that a clear provision should be made in the Bill about the contribution by the Local Government towards the cost of compulsory primary education within a given area and the proportion of such contribution should be fixed at two-thirds of the entire cost. Then, my Lord, they conclude by stating the proportions that prevail in England, in Scotland and Ireland and they give figures which show that in Ireland practically the whole cost of elementary education is borne by the State. Surely, my Lord, the Hon'ble Mr. O'Malley would not grudge at least half the amount to his fellow citizens, brethren, under the same sovereignty, in India, when he and his own countrymen get practically the whole cost from the State in their country. My Lord, my friend the Hon'ble Rai Debendra Chandra Ghosh Bahadur has said very forcibly that there is an impression in the public mind that what the Government will do upon the passing of this Act is simply to get the education cess realised, and then when the time comes for contribution, however much we may go down on our knees and pray with folded hands, they will compel the people to submit to it. If the Government is sincerely anxious to foster and stimulate primary education in this country, I think Government should at least consent to the provision that they will contribute half the cost from the public revenues. The Hon'ble Mr. O'Malley has said that Government have got many other items of expenditure to provide for and that there is also the Reform Scheme coming. I do not remember all the items, but I submit that the promotion of primary education should be one of the main duties of the State supplemented by local resources.

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Sir Henry Wheeler.*

As regards the argument of my Hon'ble friend Mr. P. C. Mitter that in this matter we shall tax ourselves, I admit that it is quite true, but it is a local taxation by which the poorest of the people in the far outlying municipalities in the mufassal will be taxed. Therefore there is a difference between this taxation and other general taxations such as the tax on jute. So we need not be carried away by the eloquence of my Hon'ble friend Mr. Mitter. On these grounds I support the general principle of my friend's amendment. I will not however make another speech when I shall move my own amendment."

The Hon'ble Rai Debender Chunder Ghose Bahadur said :—

"There is a third amendment, in which I ask for 50 per cent. contribution (Item No. 30)."

The Hon'ble Rai Radha Charan Pal Bahadur said :—

"I pray that my motion may be put first."

The President said :—

"The position will be this : I should put the motion of the Hon'ble Babu Ambica Charan Mazumdar first. All those Hon'ble Members who prefer the motion of the Hon'ble Rai Radha Charan Pal Bahadur will vote against the first motion. After it is voted on I should put the motion of the Hon'ble Rai Radha Charan Pal Bahadur."

The Hon'ble Rai Radha Charan Pal Bahadur said :—

"My Lord, there may be some of my colleagues who might be, if the larger piece is lost, content with the smaller crum."

The President said :—

"If the Hon'ble Members have no objection, I will put No. 15 first and then if it is not carried I will put No. 14. Is that the Hon'ble Members' wish?"

The Hon'ble Members agreed.

The Hon'ble Sir Henry Wheeler said :—

"My LORD, I had hoped to escape the obligation of speaking on this motion because it seemed to me that the objections to it were so patent that they would commend themselves without much discussion in Council, but in view of the two speeches that we have just heard, and as I am particularly concerned with the financial side of the Local Government, it is perhaps desirable that I should add a few words. The speech of the Hon'ble Rai Debender Chunder Ghose Bahadur, on his own showing, is based on suspicion and distrust, but I am not concerned with the workings of the Hon'ble Member's mind and I find it difficult to cope with them. If he is filled with distrust and suspicion I can only regret the morbidity of his point of view and take it from him that his mental attitude is as stated. But on the other hand I am entitled to put it to the Council that on the grounds upon which he bases his suspicions there is little to justify his conclusions. He says that he is confirmed in them after hearing the speech of the Hon'ble Mr. O'Malley, though I should have thought that he would have been more confirmed in a suspicion as to our financial competence if we accepted the amendment. But even taking the speech of the Hon'ble Mr. O'Malley, what are the three propositions that he laid down? First, Government, as a matter of fact, in comparison with the contributions of local bodies, does at present contribute in a

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liberal proportion towards education : secondly, that Government is in sympathy with the object of this Bill and hopes, after the Bill is passed into law, to assist its fulfilment, and thirdly that it is not possible for Government to accept an indefinite liability, in the face of an absolute indefiniteness as to its future resources. These are the three points which the Hon'ble Mr. O'Malley has emphasised.

"As to the first, I submit that there can be no question, since the figures he has given speak for themselves. As to the second, the attitude of Government towards this Bill, and its attitude towards education in general, have been frequently explained, and are borne out by the action which has been taken in the past and which it is hoped to take in the future. As to the third point, it is a simple matter of fact. We do not know what the financial liability may be, if effect is given to the provisions of the Bill either in whole or in part. That is not a matter of conjecture but of fact. The expenditure likely to be involved under the scheme of the Bill has still to be ascertained, and it is not defined by the mere insertion of an arithmetical fraction in the Bill. As to the indefiniteness of our resources, it is also a fact that we do not know what our financial position will be under the Reforms Scheme, but I think I have on a previous occasion mentioned in Council that we are not likely to find ourselves in any too affluent circumstances. When the Hon'ble Rai Debendra Chandra Ghosh Bahadur tells that we simply have to ask the Government of India for more money, he seems to betray an entire ignorance of what future relations are likely to be. Are Hon'ble Members of this Council not aware of various criticisms which are made against the financial proposals of the Reforms Scheme? It is held strongly, for instance, in the Punjab, Madras and Burma, that Bengal is going to be extremely well treated under the financial scheme which has been outlined in the Reforms proposals in comparison with other provinces, and these provinces are likely to represent that their contributions to the Central Government will be too heavy and ours too small. In the face of that contention is it likely that, merely for the asking, we shall be able to extract from the Government of India whatever sums we may require? But, apart from that, we do not know at present what the actual figure of our future income is likely to be, though if, so far as we can foresee, we are not likely to have a wide margin over obligatory expenditure, there is all the more reason that we should not rashly accept vague liabilities. When this scheme of provincialisation of local finance comes into force, surely we shall have to consider in respect of each specific demand whether it will be wise to admit it, and if we decide to admit it, it may even necessitate the imposition of further taxation. In view of these two factors,—the desirability of each scheme as weighed against the available resources and the possibility of fresh taxation—our successors will have to come to a conclusion. But, in the state of uncertainty which exists at present, I submit that it would be absolutely unreasonable to expect the Local Government now to accept an arithmetical obligation."

The President said :—

"I am sorry that I confused Hon'ble Members by the way in which I put some of the amendments this morning. If they prefer it, I will put the amendments as far as possible in the form in which they appear on the agenda paper so as to avoid any confusion. If the Hon'ble Member wishes to vote for the amendment, that is to add certain words to the Bill, he must vote 'aye'."

Now I shall put No. 15 to the vote."

*The Bengal Primary Education Bill.**Babu A. C. Mazumdar ; The President.***The Hon'ble Babu Ambika Charan Mazumdar** said :—

“ May I say a few words in reply ? ”

The President said :—

“ Does the Hon'ble Member wish to make any further remarks upon No. 14 ? ”

The Hon'ble Babu Ambika Charan Mazumdar said :—

“ Yes, my Lord. I have listened to the debate on my motion with some degree of disappointment. The Hon'ble Member in charge of the Bill has left it to Government ; my Hon'ble friend Mr. P. C. Mitter has also left it to Government, but the Government, through the Hon'ble Mr. O'Malley, has given us practically a curt refusal. He says that the Government cannot commit itself to any grant. The word 'distrust' may be a strong word, but certainly it is disappointing. I was under the impression when this Bill was introduced by my Hon'ble friend to my left that it was a great act for which we ought to be grateful not only to him, but also to the Government which received it. But it now comes to this, that while we asked for bread, we are simply going to get stones. We were proud to think that we were going to participate in the passing of this Bill, but now it comes to this, that there will be an education cess, the burden of which may not be felt by my Hon'ble friend Mr. P. C. Mitter or my Hon'ble friend Babu Surendra Nath Ray, but which will fall upon the public in general very heavily without any adequate return for this cess. We shall have an education cess, and then we shall have an education department to extend our primary education. That is all and nothing more. Now referring to the opinion which has been expressed by the Hon'ble Director of Public Instruction in his published opinion, I find that he has drawn up a statement showing the immense disparity in the number of persons receiving education in municipalities and under the district boards. While there are 2 per cent. of the people receiving education under the district boards, the percentage in municipalities now is 10 and sometimes 12, and he has expressed regret that such has been the state of things in municipalities. Why ? He falls back on the old story of efficiency and inefficiency ; he says they have not provided good school buildings, furniture and so on, so that it shows inefficient education. We can now very well understand what the Education Department will do when this Bill becomes law. They will go upon efficiency, although we know at present we would rather prefer to give education to our agriculturists and labourers sitting under a banian tree rather than in commodious houses. Many of us (belonging to the *bhadralok* classes) received our education sitting under a tree and writing our letters on plantain leaves. However, this may not be tasteful to the men who now lead our society, and who want everything to be left to the tender mercies of Government, but I submit if Government do not come forward to spend even 30 per cent. on education, it is as good as saying Government declines to contribute anything. If, my Lord, I have not succeeded in doing anything, I have at all events succeeded in drawing some one out of the bag, and to show that Government is not disposed to pledge itself to any grant. The Hon'ble Mr. O'Malley has referred to the Reform Scheme which is coming on. Yes, I am aware of it, but is the Reform scheme going to swallow up primary education ? I ought not to make any unpleasant remark, but I can scarcely resist the temptation of saying that money is forthcoming for police buildings, and other things, but when primary education is concerned for which Government has shown so much solicitation in accepting the Bill which has been presented to us this day, then of course Government cannot commit themselves to any undertaking, not even a bare 30 per cent. of the cost. This raises a very gloomy aspect before me at all events : when I came to the Council, it was with the satisfaction that I was going to be a party to an enactment which was

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intended to relieve the ignorance of my poorer countrymen, but I do think that if you reject even this modest proposal of mine, that many of us will go back with sad reflections that we have been a party to a measure which threatens only taxation and taxation and nothing but taxation."

The following motion (Amendment No. 15) which stood in the name of the Hon'ble Rai Radha Charan Pal Bahadur was then put, namely:—

"That at the end of clause 2B the following be added, namely:—

'Provided that the financial assistance from the Government shall not be less than half the total amount of expenditure to be incurred by the municipality in carrying out the direction of the Local Government under this section.'

A division was then taken with the following result.

Ayes—13.		Noes—17.	
The Hon'ble	Sir Nilratan Sarkar, Kt.	The Hon'ble	Sir Henry Wheeler, K.C.I.E., C.S.I.
" "	Raja Hrishikesh Laha, C.I.E.	" "	Mr. J. G. Cumming, C.S.I., C.I.E.
" "	Mr. Provash Chunder Mitter, C.I.E.	" "	Sir Bijay Chand Mahtab, K.C.S.I.,
" "	Kumar Shib Shekharaswar Ray.	" "	K.C.I.E., I.O.M., Maharajahdiraja
" "	Babu Brojendra Kishor Ray Chau-	" "	Bahadur of Burdwan.
" "	dhuri.	" "	Mr. J. H. Kerr, C.S.I., C.I.E.
" "	Rai Debender Chunder Ghose	" "	Mr. C. J. Stevenson-Moore, C.V.O.
" "	Bahadur.	" "	Major-Genl. W. H. B. Robinson,
" "	Rai Radha Charan Pal Bahadur.	" "	C.B., I.M.S.
" "	Rai Sri Nath Ray Bahadur.	" "	Mr. J. Donald, C.I.E.
" "	Babu Akhil Chandra Datta.	" "	Mr. L. S. S. O'Malley, C.I.E.
" "	Rai Mahendra Chandra Mitra	" "	Mr. M. C. McAlpin.
" "	Bahadur.	" "	Mr. F. A. A. Cowley.
" "	Babu Surendra Nath Ray.	" "	Mr. C. H. Bompas, C.S.I.
" "	Babu Kishori Mohan Chaudhuri.	" "	Mr. W. C. Wordaworth.
" "	Babu Ambika Charan Mazumdar.	" "	Mr. S. G. Hart.
		" "	Sir Rajendra Nath Mookerjee,
		" "	K.C.I.E.
		" "	Mr. W. H. H. Arden-Wood, C.I.E.
		" "	Mr. W. H. Phelps.
		" "	Mr. H. R. A. Irwin, C.I.E.

The following Members were absent:—

The Hon'ble	Mr. H. P. Duval.
" "	Mr. C. F. Payne.
" "	Rai Priya Nath Mukharji Bahadur, I.S.O.
" "	the Nawab Bahadur of Murshidabad.
" "	Mr. J. Mackenzie, O.B.E.
" "	Mr. Aminur Rahman.
" "	Mr. L. V. N. Meares.
" "	Babu Siv Narayan Mukharji.
" "	Mr. Arun Chandra Singha.
" "	Sir Deba Prasad Sarbadhikari, Kt., C.I.E.
" "	Mr. F. W. Carter, C.I.E., C.B.E.
" "	Mr. W. E. Crum, O.B.E.
" "	Mr. G. A. Bayley.
" "	Dr. Abdulla-al-Mamun Suhrawardy.
" "	Maulvi Abul Kasem.
" "	Mr. M. Ashraf Ali Khan Chaudhuri.
" "	Maulvi A. K. Fazl-ul-Haq.
" "	Khan Sahib Aman Ali.
" "	Babu Bhabendra Chandra Ray.
" "	Mr. Altaf Ali.
" "	Babu Mahendra Nath Ray, C.I.E.
" "	Mr. K. B. Dutt.

The Ayes being 13 and the Noes 17, the motion was lost.

*The Bengal Primary Education Bill.**Babu A. C. Mazumdar.*

The Hon'ble Babu Ambika Charan Mazumdar's motion (Amendment No. 14) was then put and a division was taken with the following result :—

<i>Ayes—9.</i>				<i>Noes—22.</i>			
The Hon'ble Babu	Brojendra	Kishor	Ray	The Hon'ble	Sir Henry Wheeler, K.C.I.E., C.S.I.		
	Chaudhuri.			" "	Mr. J. G. Cumming, C.S.I., C.I.E.		
" "	Rai Debender	Chunder	Ghose	" "	Sir Bijay Chand Mahtab, K.C.S.I.		
	Bahadur.				K.C.I.E., I.O.M., Maharajahdiraja		
" "	Rai Radha Charan Pal	Bahadur.			Bahadur of Burdwan.		
" "	Rai Sri Nath Ray	Bahadur.		" "	Mr. J. H. Kerr, C.S.I., C.I.E.		
" "	Babu Akhil Chandra Datta.			" "	Mr. C. J. Stevenson-Moore, C.V.O.		
" "	Rai Mahendra Chandra	Mitra		" "	Major-Genl. W. H. B. Robinson, C.B.,		
	Bahadur.				I.M.S.		
" "	Babu Surendra Nath Ray.			" "	Mr. J. Donald, C.I.E.		
" "	Babu Kishori Mohan Chaudhuri.			" "	Mr. L. S. S. O'Malley, C.I.E.		
" "	Babu Ambika Charan Mazumdar.			" "	Mr. M. C. McAlpin.		
				" "	F. A. A. Cowley.		
				" "	Mr. C. H. Bompas.		
				" "	Mr. W. C. Wordsworth.		
				" "	Mr. S. G. Hart.		
				" "	Sir Rajendra Nath Mookerjee, K.C.I.E.		
				" "	Sir Nilratan Sarkar, Kt.		
				" "	Mr. W. H. H. Arden-Wood, C.I.E.		
				" "	Mr. Provash Chunder Mitter, C.I.E.		
				" "	Babu Siv Narayan Mukharji.		
				" "	Mr. W. H. Phelps.		
				" "	Mr. H. B. A. Irwin, C.I.E.		
				" "	Khan Sahib Aman Ali.		
				" "	Raja Hrishikesh Laha, C.I.E.		

The Hon'ble Kumar Shib Shekhareswar Ray abstained from voting.

The following members were absent :—

The Hon'ble Mr. H. P. Duval.

" "	Mr. C. F. Payne.
" "	Rai Priya Nath Mukharji Bahadur, I.S.O.
" "	the Nawab Bahadur of Murshidabad.
" "	Mr. J. Mackenzie, O.B.E.
" "	Mr. Aminur Rahman.
" "	Mr. L. V. N. Meares.
" "	Mr. Arun Chandra Singha.
" "	Sir Deba Prasad Sarbadhikari, Kt., C.I.E.
" "	Mr. F. W. Carter, C.I.E., C.B.E.
" "	Mr. W. E. Crum, O.B.E.
" "	Mr. G. A. Bayley.
" "	Dr. Abdulla-al-Mamun Suhrawardy.
" "	Maulvi Abul Kasem.
" "	Mr. M. Ashraf Ali Khan Chaudhuri.
" "	Maulvi A. K. Fazl-ul-Haq.
" "	Babu Bhabendra Chandra Ray.
" "	Mr. Altaf Ali.
" "	Babu Mahendra Nath Ray, C.I.E.
" "	Mr. K. B. Dutt.

The Ayes being 9 and the Noes 22 the motion was lost.

*The Bengal Primary Education Bill,**Kumar Shib Shekhareswar Ray; Babu S. N. Ray.***AMENDMENT No. 16.**

The Hon'ble Kumar Shib Shekhareswar Ray moved that for the words "the Commissioners" in lines 2 and 3 of sub-clause (1) of clause 2D the words "three-fourths of the total number of Commissioners" be substituted.

He said :—

"What I want is that instead of the application being made by a bare majority, it should be made by three-fourths of the total number of Commissioners. My Lord, the introduction of compulsory primary education in the mufassal is a matter of far reaching consequences. Many important side issues are involved in it. Whether local conditions will permit a large number of boys to be spared from agricultural and domestic necessities, and whether it will be desirable for the children of certain communities to be associated with the bulk of the people at a certain school, and whether it would be possible for the majority of the population to bear an education cess and to pay the necessary school fees, are all very important issues which require careful consideration before compulsory education is introduced in any municipality. The clause now lays down that at any meeting of the municipality the Commissioners may decide that compulsory education should be introduced within its area. Now, my Lord, there are impatient idealists everywhere who in their enthusiasm often overlook the practical difficulties that will stand in their way. If such a person be in authority, it would not be very difficult for him at one of the meetings to have his own idea regarding the introduction of the compulsory education system carried even if the bulk of the ratepayers do not want it. My Lord, rule by majority is now an accepted principle in all self-governing institutions, but if successful administration is the aim this principle would however have to be qualified according to different existing conditions in different institutions. As I know something about the condition of our mufassal municipalities, and union committees, I cannot but hold that it would be dangerous to allow municipalities to decide the fate of such an important matter by a bare majority. I therefore suggest that effect should be given to the recommendations on this subject only when at least 75 per cent. of the total number of the Commissioners be of opinion that compulsory education should be introduced within their municipality. I hope my colleagues will realise the anxiety which I feel for the simple ratepayers of our mufassal municipalities and support my amendment. I find that the Hon'ble Raja Hrishikesh Laha who has extensive experience of our rural areas is also anxious for a somewhat similar provision, but I want to meet the difficulty just at the beginning before the definite proposal is sent up to the Government."

The Hon'ble Babu Surendra Nath Ray said :—

"My Lord, I am sorry I cannot accept this amendment. It is impossible that 75 per cent. of the members should be present. My Hon'ble friend knows very well—he must have read some of the Acts by which the meetings of public bodies are regulated, such as the Bengal Municipal Act and the Local Self-Government Act—and in these cases we find that at an extraordinary meeting the number fixed is two-thirds and not three-fourths. My Hon'ble friend has spoken of impatient idealists, but if there are impatient idealists in the mufassal towns, there are also retrograde reactionaries there too. We thought that it was necessary that the number should be fixed, and we found in other Acts of a similar nature that the number was two-thirds and not three-fourths."

The Hon'ble Kumar Shib Shekhareswar Ray said :—

"Sir, no number has been fixed at all. The Hon'ble Babu Surendra Nath Ray says two-thirds. But nothing has been mentioned here."

The Bengal Primary Education Bill.

Babu S. N. Ray ; Raja Hrishikesh Laha ; Babu A. C. Mazumdar.

The Hon'ble Babu Surendra Nath Ray said :—

"I beg your pardon. I meant a bare majority was sufficient."

The motion was then put and lost.

AMENDMENT No. 17.

The Hon'ble Babu Surendra Nath Ray moved that the words "if any" in line 4 of sub-clause (3) of clause 2D be transposed so as to come after the word "newspapers" in line 3 of that sub-clause.

He said :—

"This is a verbal amendment and I think it may be accepted."

The motion was put and agreed to.

AMENDMENT No. 18.

The Hon'ble Raja Hrishikesh Laha moved that at the end of sub-clause (4) of clause 2D the following be added, namely :—

"and at which not less than two-thirds of the total number of Commissioners are present."

He said :—

"As primary education is to be made compulsory, it is necessary that the notification should have the support of a majority of the representatives of the people who are supposed to know the educational needs as well as the willingness of the people of the area in which such compulsory education is to be enforced, specially as they will have to bear the burden of educational expenses if imposed upon them under clause 21(b) of the Bill."

The Hon'ble Babu Surendra Nath Ray said :—

I have much pleasure in accepting this amendment.

The motion was put and agreed to.

AMENDMENT No. 19.

The Hon'ble Babu Ambika Charan Mazumdar moved that after the words "of Schools" in line 2 of the proviso to clause 7 the words "at least one Commissioner" be inserted.

He said :—

This motion refers to the constitution of the School Committee.

"I fully realise that this clause does not make the list exhaustive, but I wish to add that at least one of the Commissioners should also be on the Committee; there may be more, but things may so happen that only the Deputy-Inspectors and the Sub-Inspectors and one or more residents of the municipality may constitute the Committee. I think the municipality which will levy the tax and realise it, should have at least one member. It may well be argued that the Commissioners may have no room at all; but if you want to have one or more residents of the municipality, and the Deputy Inspector and a Sub-Inspector, there should be at least one Commissioner as well."

The Bengal Primary Education Bill.

Babu S. N. Ray ; Raja Hrishikesh Laha ; Mr. P. C. Mitter.

The Hon'ble Babu Surendra Nath Ray said :—

"I accept the amendment, although I think it unnecessary as the Commissioners themselves will appoint the Committee, but still I accept it."

The motion was put and agreed to.

AMENDMENT No. 20.

The Hon'ble Raja Hrishikesh Laha moved that for the words "ten years" in line 4 of sub-clause (1) of clause 8 the words "twelve years" be substituted.

He said :—

"A course of education for four years only from the age of six to ten is not expected to confer any appreciable benefit to the boys or to be of any material service to them in after-years. Moreover, their attendance would vary according to seasonal demands, and hence their presence in the school would be only half-time. Their power of comprehension must necessarily be in a very undeveloped state, for which due allowance ought to be made, and I, therefore, suggest that the period of training should be extended to two years more and the age-limit be raised from ten to twelve. This, of course, presupposes a further expenditure on the boy for two years more, but I would not grudge it having regard to the fact that the object of the Bill is to make the boy more practical and a better citizen—an object for which no sacrifice is too great.

In support of my amendment I beg leave to quote from the *Cyclopedia of Education*, Volume I, page 287, the following passage :—

'Parents or guardians of children from five to fourteen (originally five to thirteen) were put under obligations to send them to a certified school every day that such school is in session. In case children are sent to an uncertified (inspected and approved) school, the burden rests on the parent to prove the competency of the school. Five to thirteen is still admitted as the compulsory age in certain rural districts.

'A considerable list of exemptions, however, existed. At twelve children could be examined, and if found proficient, could be excused from further attendance. A system of part-time attendance could also be permitted by local authorities, that is for children from twelve to fourteen (eleven to fourteen in agricultural areas) if they have attained a certain standard of proficiency or made during five years a required number of attendances.'

Moreover on humanitarian grounds the age-limit should be raised to twelve, namely, the necessity of protecting the boy from labour beyond his physical capacity, as the poverty of the parents may induce them to get him into an employment, which, on account of excessive labour, would very likely tend to deteriorate his health."

The Hon'ble Mr. P. C. Mitter said :—

"I think, my Lord, the proposition of my Hon'ble friend Raja Hrishikesh Laha is to have a six years' course from six to twelve. If we increase the period of compulsion by two years more it will add very considerably to the expenses incurred. I have tried to work out the figures and I have very grave doubts as to whether we will be able to find the money for providing compulsory education for a period of four years, and if we make it six years it will be well nigh impossible."

The Bengal Primary Education Bill.

*Rai R. C. Pal Bahadur; Babu S. N. Ray; Mr. Wordsworth;
Raja Hrishikesh Laha.*

The Hon'ble Rai Radha Charan Pal Bahadur said :—

"I support, my Lord, the amendment of the Hon'ble Raja Hrishikesh Laha. I was of the same opinion in the Select Committee. I think, quite apart from the question of expense, if the object is to give some training to the boys, the age-limit ought to be increased to twelve years, especially in a country like India, because the period between eight to ten is the period when boys begin to understand things and pick up knowledge. To fix the maximum age at ten years under the period of compulsion will, I believe, having regard to the development of the boys in this country, be too low. When we are trying to give them some sort of education it is better to increase the age to twelve years; although it will involve some additional expense I think it will be in the long run to the benefit of the country. I therefore most cordially support the motion."

The Hon'ble Babu Surendra Nath Ray said :—

"My Lord, I am sorry that I cannot accept this amendment. Your Lordship will be pleased to see that in Bombay where the Bill has been passed into Act the age is fixed at ten. In the Punjab where the Bill has recently been passed it is also fixed at ten, and in the Bihar and the United Provinces Bills, the age is also fixed at ten. I have therefore followed the lines of these Bills. Moreover, I think a four years' training in the vernacular will be quite sufficient to impart to the boys some sort of education which is the object of primary education. In fact, I myself left the vernacular school at the age of nine. For these reasons I oppose the amendment."

The Hon'ble Mr. Wordsworth said :—

"My Lord, on behalf of Government I am unable to recommend the Council to accept this amendment. The Bill provides that municipalities shall if they so wish, make arrangements for the provision of education under a voluntary system for all children who wish it up to the age of ten. It will obviously lead to confusion if the Commissioners proceeded to apply the compulsion to all boys up to the age of twelve. It is obviously desirable that education should be extended as far as possible, but here in this particular section we are dealing with compulsion—a new principle in Bengal—and the Select Committee considered and Government considers that the age of six to ten is as much as we can reasonably expect to bring under compulsion in the first instance. After experience of compulsion, if it is found that compulsion is welcomed, it will be possible to modify the Bill, but as a first essay Government feels that the age of six to ten is sufficient."

The Hon'ble Raja Hrishikesh Laha said :—

"My Lord, I have heard what has been said by my Hon'ble friend Babu Surendra Nath Ray, but I do not think the cultivating classes are so very intelligent as to learn everything in nine years. He says that he left the primary school at the age of nine. From my personal experience of lower and upper primary school, I do not think any benefit will be derived if the period is not extended by two years. Now, after only four years' training the boys will go back to their work and will forget everything and will forget even to sign their name. That is the result of four years' training, and if you do not extend it by two years more, it will be better not to give primary education at all."

*The Bengal Primary Education Bill.**Raja Hrishikesh Laha.*

The motion was then put and a division was taken with the following result:—

<i>Ayes—7.</i>		<i>Noes—22.</i>	
The Hon'ble	Raja Hrishikesh Laha, C.I.E.	The Hon'ble	Sir Henry Wheeler, K.C.I.E., C.S.I.
"	Rai Debendra Chunder Ghose Bahadur.	"	Mr. J. G. Cumming, C.S.I., C.I.E.
"	Rai Radha Charan Pal Bahadur.	"	Sir Bijay Chaud Mahlab, K.C.S.I., K.C.I.E., I.O.M., Maharajadhiraja Bahadur of Bardwan.
"	Babu Akhil Chandra Datta.	"	Mr. J. H. Kerr, C.S.I., C.I.E.
"	Rai Mohendra Chandra Mitra Bahadur.	"	C. J. Stevenson-Moore, C.V.O.
"	Babu Kishori Mohan Chaudhuri	"	Major-Genl. W. H. B. Robinson, C.B., I.M.S.
"	Babu Ambica Charan Mazumdar.	"	Mr. J. Donald, C.I.E.
		"	L. S. S. O'Malley, C.I.E.
		"	M. C. McAlpin.
		"	F. A. A. Cowley.
		"	C. H. Bompas, C.S.I.
		"	W. C. Wordsworth.
		"	S. G. Mera.
		"	Sir Rajendra Nath Mookherjee, K.C.I.E.
		"	Nilratan Sarkar, Kt.
		"	Mr. W. H. H. Arden-Wood, C.I.E.
		"	Provash Chunder Mitter, C.I.E.
		"	Kumar Shib Shekhareswar Ray.
		"	Mr. W. H. Phelps.
		"	H. R. A. Irwin, C.I.E.
		"	Rai Sri Nath Ray Bahadur.
		"	Babu Surendra Nath Ray.

The following members were absent:—

The Hon'ble	Mr. H. P. Duval.
"	" C. F. Payne.
"	Rai Priya Nath Mukharji Bahadur, I.S.O.
"	the Nawab Bahadur of Murshidabad.
"	Mr. J. Mackenzie, O.B.E.
"	" Aminur Rahman.
"	" L. V. N. Meares.
"	Babu Siv Narayan Mukharjee.
"	" Brojendra Kishor Ray Chaudhuri.
"	Mr. Arun Chandra Singha.
"	Sir Deba Prasad Sarbadhikari, Kt., C.I.E.
"	Mr. F. W. Carter, C.I.E., C.B.E.
"	" W. E. Crum, O.B.E.
"	" G. A. Bayley.
"	Dr. Abdulla-al-Mamun Suhrawardy.
"	Maulvi Abul Kasem.
"	Mr. M. Ashraf Ali Khan Chaudhuri.
"	Maulvi A. K. Fazi-ul-Haq.
"	Khan Sahib Aman Ali.
"	Babu Bhabendra Chandra Ray.
"	Mr. Altaf Ali.
"	Babu Mahendra Nath Ray, C.I.E.
"	Mr. K. B. Dutt.

The Ayes being 7 and the Noes 22 the motion was lost.

AMENDMENT No. 21.

The Hon'ble Raja Hrishikesh Laha moved that the word "or" in line 3 of sub-clause (2) (b) of clause 8 be omitted and that at the end of that sub-clause the words "or of his being the sole bread-winner of his family" be added.

The Bengal Primary Education Bill.

Babu S. N. Ray; Kumar Shib Shekhareswar Ray; Rai R. U. Pal Bahadur.

He said :—

"My Lord, as compulsory primary education is intended for the mass of the people who live from hand to mouth, precaution should be taken that compulsion does not act with great hardship upon them. The words 'domestic necessity' in this clause are indeed intended to cover such cases as the amendment proposes, but they are too vague to be given effect to in the practical administration of the law. It is better, therefore, that the circumstance implied by the amendment should be more clearly defined than left to be interpreted according to the uncertain comprehension of those who are authorised to administer the law. It is needless to say that the deletion of the words "or the" in the third line is necessitated by reason of the amendment I have submitted for your consideration."

The Hon'ble Babu Surendra Nath Ray said :—

"My Lord, I accept this, though I do not understand how a little boy can be the sole bread-winner of his family."

The motion was put and agreed to.

AMENDMENT No. 22.

The Hon'ble Kumar Shib Shekhareswar Ray moved that at the end of sub-clause (2) of clause 8 the following be added, namely :—

"(d) that the boy is not likely to stay within the Municipality for more than six months."

He said :—

"My Lord, sub-clause (2) of clause 8 makes several exceptions where a boy should be exempted from attending a school under compulsion. To them I propose to add that if a boy comes on a short visit to a place where compulsory education is in force, he too should be exempted from attending the local school. The object of this amendment is obvious : if the boy is going to stay there for a short while, it will do him no good if he is got hold of and put into the school. On the other hand it might interfere with the system of education which he might be undergoing at his permanent place of residence. There is also every possibility of this procedure being resented by his guardians. Now, take, for instance, a boy goes on a short visit to his uncle : it might not be always that a suitable teacher goes along with the boy. In this case if he is forced to take admission in the local municipal school, I am sure this action will be strongly resented by his guardian. I therefore hope that my amendment will be accepted."

The Hon'ble Babu Surendra Nath Ray said :—

"My Lord, I am sorry I cannot accede to the request of the Hon'ble Kumar. Under this excuse the boy will be kept out of school for an indefinite period. The School Committee will be fully competent to deal with these and other cases by virtue of the discretion vested in them by clause 8, subsection (1). Sub-clause (2) does not give an exhaustive list of 'reasonable excuses.' I am sorry I must oppose this amendment."

The Hon'ble Rai Radha Charan Pal Bahadur said :—

"My Lord, this question was raised in the Select Committee, if I remember aright ; and I must say that the existing section gives sufficient grounds why the boy should not be admitted to the school in a place where he has gone temporarily. The School Committee will consider all these grounds. Further, we are all interested in the promotion of primary education. I think

*The Bengal Primary Education Bill.**Kumar Shib Shekhareswar Ray; Raja Hrishikesh Laha; Babu S. N. Ray.*

that there should be a little compulsion as we know our countrymen; otherwise all sorts of excuses will be put forward. The Act will keep many openings or loopholes and there will be no end of excuses and the Act will be made nugatory and no one will come to these schools."

The Hon'ble Kumar Shib Shekhareswar Ray said :—

"My Lord, I find that my friends are not opposed to the spirit of my resolution. I do not see any reason why they should not make it explicit in the Act and exempt these boys."

The motion was then put and lost.

AMENDMENT No. 23.

The Hon'ble Raja Hrishikesh Laha moved that at the end of sub-clause (2) of clause 10 the following be inserted, namely :—"or may adjourn such hearing for adequate arrangements to be made for the efficient elementary education of the boy otherwise".

He said :—

"My Lord, there may be circumstances by reason of which it may not be possible for a guardian to willingly comply with the magisterial order when made. As, for instance, when the guardian should, for the time being, happen to be an illiterate and uneducated woman as is common in this country without any male member of the family at hand to advise and guide her or she may be arranging with some other individual, better circumstanced, for the proper education of the boy. It is to provide against such contingency and against any unnecessary hardship being inflicted on the guardian that I propose to confer upon the enquiring magistrate a discretion which I have no doubt he will always exercise with care and deliberation."

The Hon'ble Babu Surendra Nath Ray said :—

"My Lord, I am sorry I cannot accept this amendment. This amendment contemplates an alternative system of primary education which is not recognised by the Education Department to be permissive."

The motion was then put and lost.

AMENDMENT No. 24.

The Hon'ble Raja Hrishikesh Laha moved that after the words "section 10" in line 2 of sub-clause (1) of clause 11 the words "without any reasonable excuse" be inserted.

He said :—

"My Lord, in order to enable a guardian to submit a reasonable explanation why he has failed to comply with the order of the magistrate, I think the words 'without any reasonable excuse' should be inserted between 'section 10' and 'shall'. If the guardian has made proper arrangement for the education of the child in a village other than his own I think he should be allowed to submit a proper explanation and exempted from the payment of any fine."

*The Bengal Primary Education Bill.**Babu S. N. Ray; Babu A. C. Mazumdar.***The Hon'ble Babu Surendra Nath Ray said :—**

"My Lord, I am sorry that I cannot accept this amendment. It will be found that on failure to obey an order it would be open to a guardian to take the plea that he had a reasonable excuse for such failure to obey. It should not be allowed."

The motion was then put and lost.

AMENDMENT No. 25.

The following motion which stood in the name of the Hon'ble Raja Hrishkesh Laha was, by leave of the President, withdrawn :—

To move that for the words "ten years" in line 3 of clause 12 the words "twelve years" be substituted.

AMENDMENT No. 26.

The Hon'ble Babu Ambika Charan Mazumdar moved that for the word "necessary" in lines 1 and 2 of the proviso to clause 12 the word "withheld" be substituted.

He said :—

"My Lord, unfortunately in this clause the discretion is left with the employer. I want to have the discretion vested in the School Committee, for if you say 'shall not be necessary', the employer will readily employ a boy who ought to be in school and then, when he is called upon to explain, he will say that it was not necessary for him, and he will fish up some excuse. Let us have instead of 'shall not be necessary,' 'it shall not be withheld,' that is to say that such a man must apply to the School Committee and say—'My employment of this boy will not interfere with his attending the school' and if the School Committee thinks that the excuse is a reasonable one, they will not withhold the permission. If you say 'shall not be necessary,' the employer will not go to the School Committee but will abrogate himself the discretion of deciding it. For these reasons I have moved his amendment."

The Hon'ble Babu Surendra Nath Ray said :—

"My Lord, I am sorry I cannot accept this amendment. If my Hon'ble friend, the mover, reads the clauses of the Bill, he will see that the Bill is more liberal. This amendment makes it obligatory on persons to apply for exemption, whereas the wording of the Bill does not lay down any such obligation. Under these circumstances I cannot accept this amendment."

The Hon'ble Babu Ambika Charan Mazumdar said :—

"My Lord, I am surprised that the Hon'ble Member cannot accept this amendment. Because if you leave it to the discretion of the employer, he will always employ boys and then fish up some excuse that it does not interfere with their studies. But let him go first to the School Committee and show them before he employs the boy that such employment will not interfere with his studies. I think the power should be given to the School Committee and not left to the sweet pleasure of the employer. There is no question of being liberal, or illiberal, but if you mean to work the Act properly and if you want to make it succeed, you must give power to the School Committee and not leave the discretion to the employer in a matter of this kind."

*The Bengal Primary Education Bill.**Raja Hrishikesh Laha.*

The motion was then put and a division was taken with the following result :—

Ayes—11.

Noes—17.

The Hon'ble	Sir Nilratan Sarkar, Kt.	The Hon'ble	Sir Henry Wheeler, K.C.I.E., C.S.I.
" "	Mr. W. H. H. Arden-Wood, C.I.E.	" "	Mr. J. G. Cumming, C.S.I., C.I.E.
" "	Raja Hrishikesh Laha, C.I.E.	" "	Sir Bijay Chand Mahtab, K.C.S.I.,
" "	Kumar Shib Shekharewar Ray.	" "	K.C.I.E., I.O.M., Maharajadhiraja
" "	Rai Debender Chunder Ghose	" "	Bahadur of Burdwan.
" "	Bahadur.	" "	Mr. J. H. Kerr, C.S.I., C.I.E.
" "	Rai Radha Charan Pal Bahadur.	" "	Mr. C. J. Stevenson-Moore, C.V.O.
" "	Mr. W. H. Phelps.	" "	Major-General W. H. B. Robinson,
" "	Babu Akhil Chandra Datta.	" "	C.B., I.M.S.
" "	Rai Mahendra Chandra Mitra	" "	Mr. J. Donald, C.I.E.
" "	Bahadur.	" "	Mr. L. S. S. O'Malley, C.I.E.
" "	Babu Kishori Mohan Chaudhuri.	" "	Mr. M. C. McAlpin.
" "	Babu Ambika Charan Mazumdar.	" "	Mr. F. A. A. Cowley.
		" "	Mr. C. H. Bompas, C.S.I.
		" "	Mr. W. C. Wordsworth.
		" "	Mr. S. G. Hart.
		" "	Sir Rajendra Nath Mookerjee, K.C.I.E.
		" "	Mr. Pravash Chunder Mitter, C.I.E.
		" "	Mr. H. R. A. Irwin, C.I.E.
		" "	Babu Surendra Nath Ray.

The following members were absent :—

The Hon'ble Mr. H. P. Duval.

" "	Mr. C. F. Payne.
" "	Rai Priya Nath Mukharji Bahadur, I.S.O.
" "	The Nawab Bahadur of Murshidabad.
" "	Mr. J. Mackenzie, O.B.E.
" "	Mr. Aminur Rahaman.
" "	Mr. L. V. N. Meares.
" "	Babu Siv Narayan Mukharji.
" "	Babu Brojendra Kishor Ray Chaudhuri.
" "	Mr. Arun Chandra Singha.
" "	Sir Deba Prosad Sarbadhikari, Kt., C.I.E.
" "	Mr. F. W. Carter, C.I.E., C.B.E.
" "	Mr. G. A. Bayley.
" "	Dr. Abdulla-ul-Mamun Suhrawardy.
" "	Maulvi Abul Kasem.
" "	Mr. M. Ashraf Ali Khan Chaudhuri.
" "	Maulvi A. K. Fazl-ul-Haq.
" "	Khan Sahib Aman Ali.
" "	Babu Bhabendra Chandra Ray.
" "	Mr. Altaf Ali.
" "	Mr. W. E. Crum, O.B.E.
" "	Rai Sri Nath Ray Bahadur.
" "	Babu Mahendra Nath Ray, C.I.E.
" "	Mr. K. B. Dutt.

The Ayes being 11 and the Noes 17 the motion was lost.

AMENDMENT No. 27.

The Hon'ble Raja Hrishikesh Laha moved that for the words "twenty rupees" at the end of sub-clause (2) of clause 13 the words "five rupees" be substituted.

*The Bengal Primary Education Bill.**Babu S. N. Ray ; Mr. P. C. Mitter ; Maharajadhiraja Bahadur of Burdwan.*

He said :—

"In order to protect the employer from deception, I move this amendment. It may happen that a boy really ten years of age, but fairly developed in physique so as to pass for a boy of twelve or thirteen years, is taken over to an employer for an employment. He is engaged under the *bona-fide* belief that he is twelve or thirteen—an age stated by the needy guardian of the boy. It may occur that on detection of the under-age of the boy engaged, the innocent employer is punished in spite of his *bona-fide* action based upon an apparently honest representation. Moreover, in my opinion, the limit of the fine is too high for the work-a-day man in Bengal. I would, therefore, reduce it to five rupees. This would be in consonance with what is inflicted upon the guardian under clause 11. There is no reason why the employer should be punished more heavily than the guardian himself."

The Hon'ble Babu Surendra Nath Ray said :—

"My Lord, I am sorry I cannot accept this amendment. This is only a maximum fine, which is fixed at Rs. 20, so that it will be within the discretion of the Court either to impose the maximum or any other fine that was necessary. That was the amount fixed in the original Bill, and the Select Committee saw no reason to reduce the amount, and for this reason I oppose the amendment."

The Hon'ble Mr. P. C. Mitter said :—

"My Lord, I beg to support the Hon'ble Raja Hrishikesh Laha. We are going to have a new system, and I think we ought to accept the amendment. As it is, I think, the Bill will be unpopular, and if it is unpopular, it will be difficult to make it a success. On that ground I support the Hon'ble Raja Hrishikesh Laha."

The Hon'ble Maharajadhiraja Bahadur of Burdwan said :—

"My Lord, I support the Hon'ble Member in charge of the Bill."

The motion was then put and a division was taken with the following result :—

Ayes—10.

The Hon'ble Sir Nilratan Sarkar, Kt.
 " " Raja Hrishikesh Laha, C.I.E.
 " " Mr. Provash Chunder Mitter, C.I.E.
 " " Kumar Shib Shekhareswar Ray.
 " " Rai Debender Chunder Ghose Bahadur.
 " " Rai Radha Charan Pal Bahadur.
 " " Babu Akhil Chandra Datta.
 " " Rai Mahendra Chandra Mitra Bahadur.
 " " Babu Kishori Mohan Chaudhuri.
 " " Babu Ambika Charan Mazumdar.

Noes—18

The Hon'ble Sir Henry Wheeler, K.C.I.E., C.S.I.
 " " Mr. J. G. Cumming, O.S.I., C.I.E.
 " " Sir Bijay Chand Mahtab, K.C.S.I.,
 K.C.I.E., I.O.M., Maharajadhiraja
 Bahadur of Burdwan.
 " " Mr. J. H. Kerr, C.S.I., C.I.E.
 " " Mr. C. J. Stevenson-Moore, O.V.O.
 " " Major-General W. H. B. Robinson,
 C.B., I.M.S.
 " " Mr. J. Donald, C.I.E.
 " " Mr. L. S. S. O'Malley, C.I.E.
 " " Mr. M. C. McAlpin.
 " " Mr. F. A. A. Cowley.
 " " Mr. C. H. Bompas, C.S.I.
 " " Mr. W. C. Wordsworth.
 " " Mr. S. G. Hart.
 " " Sir Rajendra Nath Monkerjee, K.C.I.E.
 " " Mr. W. H. H. Arden-Wood, C.I.E.
 " " Mr. W. H. Phelps.
 " " H. R. A. Irwin, C.I.E.
 " " Babu Surendra Nath Ray.

*The Bengal Primary Education Bill.**Kumar Shib Shekhareswar Ray.*

The following members were absent :—

The Hon'ble Mr. H. P. Duval.

"	"	Mr. C. F. Payne.
"	"	Rai Priya Nath Mukharji Bahadur, I.S.O.
"	"	the Nawab Bahadur of Murshidabad.
"	"	Mr. J. Mackenzie, O.B.E.
"	"	Mr. Aminur Rahman.
"	"	Mr. L. V. N. Meares.
"	"	Babu Siv Narayan Mukharji.
"	"	Babu Brojendra Kishor Ray Chaudhuri.
"	"	Mr. Arun Chandra Singha.
"	"	Sir Deba Prasad Sarbadhikari, K.T., C.I.E.
"	"	Mr. F. W. Carter, C.I.E., C.B.E.
"	"	Mr. W. E. Crum, O.B.E.
"	"	Mr. G. A. Bayley.
"	"	Dr. Abululla-al-Mamun Suhrawardy.
"	"	Maulvi Abul Kasem.
"	"	Mr. M. Ashraf Ali Khan Chaudhuri.
"	"	Maulvi A. K. Fazl-ul-Haq.
"	"	Khan Sahib Aman Ali.
"	"	Babu Bhabendra Chandra Ray.
"	"	Mr. Altaf Ali.
"	"	Rai Sri Nath Ray Bahadur.
"	"	Baba Mahendra Nath Ray, C.I.E.
"	"	Mr. K. B. Dutt.

The Ayes being 10 and the Noes 18 the motion was lost.

AMENDMENT Nos. 28 AND 29.

The Hon'ble Kumar Shib Shekhareswar Ray moved (1) that for the word "satisfies" in line 5 of clause 18 the words "applies to" be substituted, and, (2) that for the words "the School Committee may determine" in line 9 of clause 18 the words "applied for by him" be substituted.

He said :—

"Amendments Nos. 28 and 29 stand in my name. They both refer to the same clause and are interdependent, and I therefore beg permission to move them together.

In my opinion compulsory education ought to be free for those whose guardians cannot afford to pay the cost of such education. An education cess is going to be imposed. On that account, it would be rather hard on the poor people if they have to pay the expenses of compulsory education of their boys in addition to the education cess. No self-respecting person would like to receive charity if he can afford to do without it. Whenever a man applies for a remission of the fee or any part thereof, it should be granted to him. I consider it rather humiliating to a person if he has to satisfy the School Committee by producing his account books that he is unable to pay the fees. A poor man's lot is bitter, why make it worse by adding humiliation to it. I would ask my colleagues to consider how distasteful the whole thing is likely to be, and I hope that my amendment will be accepted by the House."

*The Bengal Primary Education Bill.**Babu S. N. Ray ; Mr. O'Malley ; The President ; Rai R. C. Pal Bahadur.***The Hon'ble Babu Surendra Nath Ray** said :—

"I do not know whether my Hon'ble friend has seriously considered the effect of his amendment. The amendment would make it obligatory on the School Committee to reduce the rate whenever his guardian wishes to make an application. Simply putting in an application would be quite sufficient and then the effect of clause 23 would be that effect would have to be given to whatever the guardian says, and this would mean a reduction in fees. My Hon'ble friend says the guardian would feel it humiliating to produce account books, etc., to show his circumstances. It is sufficient for him to submit an application and make out a case for exemption of fees. As President of a School Committee I have to deal with applications once or twice a month, and specially in the month of January, when boys take their admission into school, and I find that those who can afford to pay either the whole amount or at least half the fee, generally come up with a prayer for total exemption and we have in many cases to reject these applications, and we find that these people do eventually pay half the fee. So I have some experience of these applications, and under the circumstances I cannot accede to my Hon'ble friend's request."

The Hon'ble Mr. O'Malley said :—

"My Lord, on behalf of Government I beg to support the Hon'ble Member in charge of the Bill both on the ground which he has stated and also on perhaps what may be called a formal ground, that the amendments are not very good English. The Hon'ble mover of the amendment wishes to have 'applies to the School Committee that he is unable to pay the fees' and again further down he would have 'at such reduced fees as applied for by him.' I think the amendments are open to serious objection. The power of determining in the case of free education and reduction of fees discretion must remain with the Committee. These amendments would take away that power and it would be sufficient merely for the parent or guardian to say 'I am a poor man'. He should be obliged to prove his poverty."

The motions were then put and lost.

AMENDMENTS Nos. 30 AND 31.

The following motions stood in the name of the Hon'ble Rai Debendér Chunder Ghose Bahadur :—

To move that before clause 21B in Part IV of the Bill the following be inserted, namely :—

"21AA. The Local Government shall contribute every year from the provincial revenues for the purposes of primary education within a municipality, not less than one-half of the cost budgetted for such expenditure by the commissioners."

If motion No. 30 be carried, also to move that for the words "any grant" in line 2 of sub-clause (1) of clause 21B the words "the grant" be substituted.

The President said :—

"Amendments 30 and 31. These two amendments are covered by the decisions already reached."

The motions were then, by leave of the President, withdrawn.

AMENDMENT No. 32.

The Hon'ble Rai Radha Charan Pal Bahadur moved that after the words "cost of" in line 3 of sub-clause (1) of clause 21B the word "compulsory" be inserted.

The Bengal Presidency Education Bill.

*Babu S. N. Ray ; Mr. Wordsworth ; Babu Ambika Charan Mazumdar ;
Mr. O'Malley.*

He said :—

"What I propose, my Lord, is this : educational cess should be levied for the cost of compulsory primary education. I need not reiterate what I have said. It is not necessary for me to speak at length on this subject. I have already said what I wished to say about this on a previous amendment."

The Hon'ble Babu Surendra Nath Ray said :—

"Speaking for myself, I have no objection, my Lord, to accepting this amendment."

The Hon'ble Mr. Wordsworth said :—

"I am unable on behalf of Government to recommend the acceptance of this amendment. We have already discussed the whole matter in relation to amendment No. 11 on the paper, and I have there indicated Government's inability to accept the proposal that an educational cess, if levied, shall be applied only to expenditure on compulsory education."

The motion was then put and lost.

AMENDMENT No. 33.

The Hon'ble Babu Ambika Charan Mazumdar moved that after the words "education cess" in line 6 of sub-clause (1) of clause 21B the following be inserted, namely :—

"and to be assessed according to the means and circumstances of the people residing or carrying on any business within the Municipality."

He said :—

"My Lord, this amendment refers to the assessment of the education cess, and I wish to indicate that the assessment should be according to the means and circumstances of the people residing or carrying on business within the municipality. The word 'occupation' used in the Municipal Act has become the source of many questions and difficulties, but here we may steer clear of all these difficulties, and I say that the assessment should be according to the means and circumstances of the people not only residing in the municipality, but also persons not actually residing in the municipality, but carrying on business within it. There are many people, well-to-do people, who do not generally reside within the limits of the municipality or near their business but just outside them ; they do their business within the municipality and reside on their own property just outside, and I think it is only fair that these persons should be taxed and should be made responsible for this education cess. There are many people of this description, and they are very well-to-do people."

The Hon'ble Babu Surendra Nath Ray said :—

"My Lord, I wish I could accept this amendment, but I am sorry I cannot accept an assessment on the valuation of holdings and assessment according to the circumstances at one and the same place. This would be placing both the municipalities and the rate-payers in an anomalous position, and non-residents having business connection in the place would have to pay, so I cannot accept this amendment."

The Hon'ble Mr. O'Malley said :—

"My Lord, on behalf of Government I beg to support the Hon'ble Member in charge of the Bill, owing to the practical difficulty which such a provision would make in the working of the Bill. There are two chief sources of taxation in mufassil municipalities, one being a tax on occupiers' holdings

*The Bengal Primary Education Bill.**Babu Ambika Charan Mazumdar.*

according to circumstances and property within the municipality, and the other a tax on buildings assessed at the rate of the annual value of the holdings. This amendment on the other hand would provide for assessment according to means and circumstances only, and I take it that where there was the rate on holdings, a personal tax would be levied and you would have to draw up an entirely different assessment which would be extremely difficult to do. You would introduce in effect another basis of taxation. Another difficulty which has occurred to me is that the form of the amendment is liable to some misinterpretation. The cess is to be assessed according to the means and circumstances of the people residing or carrying on any business within the municipality. Now, it is to be observed that this is an important innovation that the assessment must not be according to circumstances and property within the municipality, but only according to means and circumstances. If a wealthy zemindar had a house in a town or a business firm had a small sub-agency in it, the zemindar or the firm might be liable to be assessed according to their whole income. It seems to me that it might have very serious consequences, because there is no minimum fixed, and there is no safeguard of any kind provided."

The Hon'ble Babu Ambika Charan Mazumdar said :—

"My Lord, I do not understand exactly what this Act is intended to be. There will be an education cess, and the legislature does not say a word as to how this will be levied, probably leaving it for the Government to make rules by which to impose a tax in a certain way. That, I consider, is an abdication of the functions of the legislature. To leave everything in the hands of the Government, simply requiring the Municipality to apply to Government and Government granting their application, and then the Government coming with its rules to levy the tax and to determine what form the taxation will take and upon whom it will be levied, this, I think, is a very large order upon the Government and I certainly on principle strongly oppose a measure of this kind which does not even undertake to say what would be the nature and effect of the taxation. Everything is, as I understand, left to be governed by rules. Practically therefore there are only two provisions, one for application, the other for taxation. And Government will do the rest: It can levy any taxation it pleases. If that is so, there was no necessity for coming before the legislature for a measure of this kind. Why should not the Legislature indicate even the line upon which taxation will be made?"

The motion was then put and a division was taken with the following result.

Ayes—8.

Noes—18.

The Hon'ble Mr. Provash Chunder Mitter, C.I.E.
 " " Kumar Shih Shukharewar Ray.
 " " Rai Debender Chunder Ghose
 Bahadur.
 " " Rai Radha Charan Pal Bahadur.
 " " Babu Akhil Chandra Datta.
 " " Rai Mahendra Chandra Mitra
 Bahadur.
 " " Babu Kishori Mohan Chaudhuri
 " " Babu Ambika Charan Mazumdar.

The Hon'ble Sir Henry Wheeler, K.C.I.E., C.S.I.
 " " Mr. J. G. Cumming, C.S.I., C.I.E.
 " " Sir Bijay Chand Mahtab, K.C.S.I.,
 K.C.I.E., I.O.M., Maharajadhiraja
 Bahadur of Burdwan.
 " " Mr. J. H. Kerr, C.S.I., C.I.E.
 " " Mr. C. J. Stevenson-Moore, C.V.O.
 " " Major-General W. H. B. Robinson,
 C.B., I.M.S.
 " " Mr. J. Donald, C.I.E.
 " " Mr. L. S. S. O'Malley, C.I.E.
 " " Mr. M. C. McAlpin.
 " " Mr. F. A. A. Cowley.
 " " Mr. C. H. Bompas, C.S.I.
 " " Mr. W. C. Wordsworth.
 " " Mr. S. G. Hart.
 " " Sir Rajendra Nath Mookerjee, K.C.I.E.
 " " Sir Nilratan Sarkar, Jt.
 " " Mr. W. H. H. Arden-Wood, C.I.E.
 " " Mr. W. H. Phelps.
 " " Mr. H. R. A. Irwin, C.I.E.

*The Bengal Primary Education Bill.**Rai R. C. Pal Bahadur ; Babu S. N. Ray.*

The following members were absent :—

The Hon'ble Mr. H. P. Duval.

"	"	Mr. G. F. Payne.
"	"	Rai Priyanath Mukharji Bahadur, I.S.O.
"	"	the Nawab Bahadur of Murshidabad.
"	"	Mr. J. Mackenzie, O.B.E.
"	"	Mr. Aminur Rahman.
"	"	Raja Hrishikesh Laha, C.I.E.
"	"	Mr. L. V. N. Meares.
"	"	Babu Siv Narayan Mukharji.
"	"	Babu Brojendra Kishor Ray Chaudhuri.
"	"	Mr. Arun Chandra Singha.
"	"	Sir Deba Prasad Sarbadhikari, K.T., C.I.E.
"	"	Mr. F. W. Carter, C.I.E., C.B.E.
"	"	Mr. W. E. Crum, O.B.E.
"	"	Mr. G. A. Bayley.
"	"	Dr. Abdulla-al-Mamun Suhrawardy.
"	"	Maulvi Abul Kasem.
"	"	Mr. M. Ashraf Ali Khan Chaudhuri.
"	"	Maulvi A. K. Faz-ul-Haq.
"	"	Khan Sahib Aman Ali.
"	"	Mr. Altaf Ali.
"	"	Rai Srinath Ray Bahadur.
"	"	Babu Surendra Nath Ray.
"	"	Babu Mahendra Nath Ray, C.I.E.
"	"	Mr. K. B. Dutt.
"	"	Babu Bhabendra Chandra Ray.

The Ayes being 8 and the Noes 18 the motion was lost.

AMENDMENT No. 34.

The Hon'ble Rai Radha Charan Pal Bahadur moved that the words "whether voluntary or compulsory" in lines 8 and 9 of sub-clause (1) of clause 21B be omitted.

He said :—

"My Lord, I beg formally to move the above. At this time, I do not wish to trouble my friends by making a speech."

The Hon'ble Babu Surendra Nath Ray said :—

"My Lord, speaking for myself I accept this amendment."

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Mr. Wordsworth : Kumar Shib Shekhareswar Ray.

The Hon'ble Mr. Wordsworth said :—

"My Lord, on behalf of Government I am unable to accept this amendment."

The motion was then put and lost.

ADJOURNMENT.

The Hon'ble Kumar Shib Shekhareswar Ray said :—

"My Lord, I have a submission to make. There are many orthodox Hindu members in this Council and as it is now past 6-30 P.M., it is time for our evening prayer. Moreover we have not taken a drop of water since 10 A.M. I beg that we may adjourn now."

The Council was then adjourned to Wednesday, the 19th February, 1919, at 11 A.M. at Government House.

A. M. HUTCHISON,

*Secretary to the Government of Bengal and
Secretary to the Bengal Legislative Council (Offg.).*

CALCUTTA,

The 10th March, 1919.

*Abstract of the Proceedings of the Bengal Legislative Council assembled
under the provisions of the Government of India Act, 1915.*

THE Council met in the Council Chamber at Government House, Calcutta, on Wednesday, the 19th February, 1919, at 11 A.M.

Present :

His Excellency the Right Hon'ble LAWRENCE JOHN LUMLEY DUNDAS, EARL OF RONALDSHAY, G.C.I.E., Governor of the Presidency of Fort William in Bengal, *présiding*.

The Hon'ble SIR HENRY WHEELER, K.C.I.E., C.S.I.

The Hon'ble MR. J. G. CUMMING, C.S.I., C.I.E.

The Hon'ble SIR BIJAY CHAND MAHTAB, K.C.S.I., K.C.I.E., I.O.M., Maharaja-dhiraja Bahadur of Burdwan.

The Hon'ble MR. J. H. KERR, C.S.I., C.I.E.

The Hon'ble MR. C. J. STEVENSON-MOORE, C.V.O.

The Hon'ble MAJOR-GENL. W. H. B. ROBINSON, C.B., I.M.S.

The Hon'ble MR. J. DONALD, C.I.E.

The Hon'ble MR. L. S. S. O'MALLEY, C.I.E.

The Hon'ble MR. M. C. McALPIN.

The Hon'ble MR. F. A. A. COWLEY.

The Hon'ble MR. C. H. BOMPAS, C.S.I.

The Hon'ble MR. W. C. WORDSWORTH.

The Hon'ble MR. S. G. HART.

The Hon'ble SIR RAJENDRA NATH MOOKERJEE, K.C.I.E.

The Hon'ble SIR NILRATAN SARKAR, Kt.

The Hon'ble MR. J. MACKENZIE, O.B.E.

The Hon'ble MR. W. H. H. ARDEN-WOOD, C.I.E.

The Hon'ble MR. AMINUR RAHMAN.

The Hon'ble MR. PROVASH CHUNDER MITTER, C.I.E.

The Hon'ble BABU SHIV NARAYAN MUKHARJI.

The Hon'ble KUMAR SHIB SHEKHARESWAR RAY.

The Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI.

The Hon'ble MR. ARUN CHANDRA SINGHA.

*The Bengal Primary Education Bill.**Babu A. C. Mazumdar.*

The Hon'ble SRI DEBA PRASAD SARBADHIKARI, Kt., C.I.E.

The Hon'ble RAI DEBENDER CHUNDER GHOSE BAHADUR.

The Hon'ble RAI RADHA CHARAN PAL BAHADUR.

The Hon'ble MR. W. E. CRUM, O.B.E.

The Hon'ble MR. W. H. PHELPS.

The Hon'ble MR. G. A. BAYLEY.

The Hon'ble MR. H. R. A. IRWIN, C.I.E.

The Hon'ble MAULVI ABUL KASEM.

The Hon'ble MAULVI A. K. FAZL-UL-HAQ.

The Hon'ble KHAN SAHIB AMAN ALI.

The Hon'ble MR. ALTAF ALI.

The Hon'ble RAI SRI NATH RAY BAHADUR.

The Hon'ble BABU AKHIL CHANDRA DATTA.

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR.

The Hon'ble BABU SURENDRA NATH RAY.

The Hon'ble BABU KISHORI MOHAN CHAUDHURI.

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR.

LEGISLATIVE BUSINESS.**THE BENGAL PRIMARY EDUCATION BILL, 1919.**

[The consideration of the amendments was resumed.]

AMENDMENT No. 35.

The Hon'ble Babu Ambika Charan Mazumdar moved that at the end of sub-clause (I) of clause 21B the following proviso be added, namely :—

“Provided that the assessment of the cess upon any person shall in no case exceed one-tenth of the aggregate amount of tax or rate levied on him by the Municipality under the Bengal Municipal Act, 1884, or the Calcutta Municipal Act, 1899.”

He said :—

“I have already lost my motion about the nature of the taxation to be imposed, and the persons from whom it is to be levied.

I wish to make it clear that the object of this amendment or rather the additional provision, is to point out very clearly to this Council the incidence

*The Bengal Primary Education Bill.**Mr. P. C. Mitter.*

of taxation which will necessarily fall upon the municipal population. My Lord, in the case of municipalities the education cess will have to be borne mainly by those people who are paying municipal rates and taxes, but they are the very people who would be the least benefited by this enactment. For these people already pay for the education of their children, and I may say in every municipality there are about half a dozen schools of various grades and denominations, both for girls and boys to which these ratepayers of the municipalities already send their boys and girls, so that they do not want any new kind of school for the education of their children. They do educate their children, and they bear the burden of their education. Of course for the lower classes of people, namely, a few agriculturists, and their number is very small in a municipality, artisans and so forth, these people are prepared to make further sacrifices but we should not to run down a willing horse to death. Already the municipal ratepayers are heavily taxed, and if the bulk of the education cess is to fall upon them as it surely will, I think there ought to be a limit beyond which their resources ought not to be taxed. I have already indicated that by this Bill they are not benefited in the least, as they already educate their children. They are not willing to send their children to these schools, they are already in schools, invariably both the boys and girls, so I propose that where you assess the education cess in a municipality the assessment shall not exceed one-tenth of the aggregate amount of the tax or rate already paid by them, either under the Bengal Municipal Act in the mufassal, or under the Calcutta Municipal Act in Calcutta; otherwise the burden would be very heavy upon them, and it would be inequitable considering the fact that they do not want the application of this enactment in order to provide education for their children. If Your Excellency's Government were to take statistics, it would be found that almost the entire amount, I believe not even one per cent. of the tax already paid in the municipality, is borne by agriculturists or artisans. The entire bulk of the tax is to be paid by those for whom the tax is not intended, and who would not be benefited by the taxation. It is purely a tax on patriotism on their part to bear this burden for the benefit of the entire community, and I hope and trust that the Council will seriously consider whether it will be equitable for them to throw the bulk of this additional cess upon those very people who would be the least benefited."

The Hon'ble Mr. P. C. Mitter said :—

"My Lord, I desire to support this amendment of the Hon'ble Babu Ambika Charan Mazumdar, but my reasons for supporting the amendment are somewhat different from the reasons of the Hon'ble Mover of the amendment. The main reason why I support this amendment is that 10 per cent. would be ample, more than ample, even when we have compulsory education. The total income of the mufassal municipalities in the year 1916-17 is Rs. 56,90,000 odd, that includes income other than income from rates and taxes. The total income from rates and taxes is 46 lakhs in all, so that 10 per cent. will amount to Rs. 4,60,000. The amount spent at present on primary education in municipal areas is Rs. 91,554. This is considerably in excess of the amount which was spent in the year 1915-16 which amounted to Rs. 72,902. Now, My Lord, the present Government contribution in the year 1916-17 was Rs. 44,000 and odd out of a total amount of Rs. 91,000 and odd. The Government contribution in the year 1916-17 was Rs. 31,000 and odd, and this again has been increased to Rs. 44,000 and odd, so that at the present moment the total amount spent by all the municipalities is Rs. 91,000 and odd. Out of that Government found Rs. 44,000 and odd, or very nearly half. Now, the total number of boys whom we wish to educate in the mufassal municipalities after compulsion is introduced will be 170,000. I do not know what the Government view with regard to this

*The Bengal Primary Education Bill.**Babu S. N. Ray; Mr. P. C. Mitter.*

amendment will be, and for that reason I may be permitted, to explain how I arrived at the figure 1,70,000. The total number of male children within the ages of 5 to 10 is 3,065,000 for the whole province. Roughly speaking, the total number of our population living in municipal areas is about 3 millions including the town of Calcutta. The income I have indicated is for the mufassal municipal towns only; the income for the town of Calcutta is considerable. Now, out of our total of 3 millions, if we take on the same proportion, we find that the total number between 5 and 10 will be 214,000 and odd. We have already settled that the ages of 6 and 10 will be the ages for compulsory education, therefore by a process of calculation, we have arrived at the figure of 170,000 whom we shall have to educate. Now the present average cost is little over Rs. 3 on each boy. We spend altogether 37 lakhs of rupees and the total number of boys we educate is a little over 11 lakhs, therefore the present average cost is a little over Rs. 3, therefore the total cost will be somewhere near 5 lakhs of rupees, and I have already stated at the beginning of my remarks that 10 per cent. means Rs. 4,60,000, and if, over and above this we take into account Rs. 91,000 already spent in these municipalities without any education cess, the figure is considerably more than 5 lakhs. Therefore it is not necessary to have more than 10 per cent. even when compulsion is introduced. Now, it is of the highest importance that we should not scare away people, that we should not leave an impression to these municipalities that they will have to pay very largely if primary education, especially compulsory primary education, is to be introduced. As I said yesterday, we must remember that these municipalities are mostly poor municipalities, and as these municipalities are mostly poor, and if 10 per cent. is enough to meet our requirements, I submit, My Lord, that we ought to be content with that limit. If we put down that limit, we shall start with greater good-will which will have a better effect upon the objects which we have all have in view whether officials or non-officials, and for that reason also I strongly support the amendment of the Hon'ble Babu Ambika Charan Mazumdar."

The Hon'ble Babu Surendra Nath Ray said :—

"I am sorry, My Lord, I cannot accept the amendment. The result of the acceptance of this amendment would be that the incidence of taxation may be heavy on the poor and light on the rich. I think these are matters to be dealt with by the rules. As I have said, it is the poor who will be taxed heavily, and I think it is a state of things which my Hon'ble friend would be the first to cry against. The figures given by the Hon'ble Mr. Mitter ought not to be a guide in a case like this. It is not proper to work out on an aggregate of income of municipalities, and to come to a figure of 4 or 5 lakhs. The rate of taxation should be according to local needs and circumstances."

The Hon'ble Mr. P. C. Mitter said :—

"My Lord, may I be permitted to make a suggestion for the consideration of the Hon'ble Member in charge.

I desire to make a suggestion, for his consideration as well as for the consideration of Government and it is this. That instead of the amendment as moved by the Hon'ble Babu Ambika Charan Mazumdar, if the resolution be amended with the leave of the Council to the effect that the total amount from each municipality will be 10 per cent. of the total amount of the rates and taxes, of that municipality it would be better. My object is this : there is some force in what the Hon'ble Babu Surendra Nath Ray has said that taxation ought not to fall on the poor heavily, so that if my suggestion be accepted, it will thus be open to make such necessary arrangements so that the rich may be taxed more than 10 per cent. and the poor may be allowed to escape with their present taxation."

*The Bengal Primary Education Bill.**Mr. O'Malley.***The Hon'ble Mr. O'Malley said :—**

"My Lord, I must admit that I am in some doubt as to the exact meaning of the proviso which it is proposed to add to the Bill. As I read it provides for a maximum of one-tenth of the tax on the persons or the rate of holdings in different municipalities. The Hon'ble Mr. Mitter has taken it to mean the aggregate amount of all the different taxes or rates, but I am not quite sure whether that interpretation is correct, or whether it would be possible to take into consideration such things as the tax on professions and trades, water rate, conservancy fees, hackney carriage fees and so on. If I am right in thinking that it is intended to allow one-tenth of the tax on persons or the rate on holdings, I should point out this maximum is low compared with that contained in the Bihar and Orissa Bill which allows for at least one-third of the maximum tax or rate which can be imposed on the owners and occupiers of properties under the Bengal Municipal Act. The inherent difficulty about a maximum of 10 per cent. for each and every municipality is that we do not at present know what will be the total cost of putting primary education on a proper footing, and what share of the cost will be met from other sources such as fees and the Government grant. The Hon'ble Mr. Mitter has given certain estimates which do not altogether agree with estimates that have been prepared departmentally. According to these estimates, the cost of providing proper education for boys will be a capital cost of 17 lakhs, recurring cost 9 lakhs a year. Under a cheaper scheme, the capital cost will be 10 lakhs and the recurring cost 5 lakhs. The difference is considerable. It is partly due to the style of buildings which will be necessary and partly to the scale on which teachers would be remunerated. Under the cheaper scheme, for instance, the accommodation in some of the schools will be of a cheaper type,—mud walls, thatched roof—and the teachers will be paid on an average only Rs. 8 a month. Well, that is the estimate which has been prepared, but I am not at present prepared to say that that estimate would eventually be accepted. In any case, we do not know what money would be available in each municipality. Knowledge on this point will not be available till the estimate which is provided for in Part II of the Bill is obtained. It was on this account that both in the original Bill and in the Bill as revised in the Select Committee, the method of levying the cess is left to rules. As was pointed out by the Hon'ble Mr. Arden Wood yesterday, the Bill is an experiment and those charged with its administration must be allowed a certain amount of latitude. The Hon'ble Mover is inspired by an apprehension that the incidence of the cess may be excessive, and he therefore, urges that a safeguard against a crushing impost is required. The procedure contemplated by the Bill, however, really guards against this. The Municipal Commissioners in making their estimate under Part II of the Bill will estimate the amount a cess will yield, and obviously they will consider at what rate the ratepayers can reasonably be expected to pay. A cess cannot be imposed except by the consent of the Municipal Commissioners themselves, and the Commissioners are not in the least likely to decide in favour of the cess unless they know the rate at which it will be levied and are satisfied that it is within the capacity of the ratepayers. The cess, in fact, will be a form of taxation by consent. Then again, if and when the Municipal Commissioners pass a resolution in favour of the cess, the public will have an opportunity of expressing their views, as section 21C specifically provides that the rules regulating the matter in which the cess is to be levied, shall only issue after previous publication. This means that a preliminary notification must issue, that any resident will have an opportunity of raising objections, and those objections must be considered by Government before the rules are finally issued. I can assure the Council that Government is not likely to agree to an excessive taxation both because it is the guardian of the people's interests, and also to put the

*The Bengal Primary Education Bill.**Sir Deba Prasad Sarbadhikari.*

case on a lower level because Government is a large ratepayer itself. This was pointed out in the municipal resolution, from which I may quote:— 'In the Presidency as a whole, altogether $5\frac{1}{2}$ per cent. of the amount realized from holdings, conservancy, lighting and water rates and taxes is paid for Government buildings. The payments represent in Darjeeling, Berhampore and Chittagong approximately one-twelfth, in Dacca one-eighth, and in Rampore-Boulia nearly one-fifth of the municipal receipts from these rates, which constitute the bulk of the income from taxation. These figures serve to illustrate the fact, which is not always realized by the municipalities themselves, that, apart from its position as a controlling authority, Government has a direct interest as a ratepayer in the purity and efficiency of municipal administration."

The Hon'ble Sir Deba Prasad Sarbadhikari said:—

"My Lord, I feel some difficulty in supporting this amendment. I entirely endorse what was said by the Hon'ble Mr. Arden-Wool yesterday that in embarking upon a big experiment like this, we ought not at the outset handicap those charged with the carrying it out. In opposing this amendment I desire to take exception to some of the arguments advanced by its supporters. The Hon'ble the mover of the amendment has told us that we ought to be careful in letting alone those who are already paying for the education of their children, and that the taxation ought not to be very heavy in their case. My Lord, it is not exactly for services rendered—municipal services—as in the case of conservancy or lighting or street watering, that this cess is about to be levied, but it is for ensuring better civic life, to ensure better understanding of all-round rules of hygiene and sanitation that make municipal administration easier and for ensuring better citizenship, that this experiment is being undertaken, and it is exactly upon those who appreciate the blessings of education for these and other allied purposes and whose representatives have moved in the matter that the burden must necessarily fall heavier. It is improperly to subscribe to the proposition that because some are paying for the education of their own children already and are not likely to be benefited by the new scheme they should be left alone or at all events ought to be lightly taxed. If we are to have a successful experiment, it must, for some time at least, be the other way. Then with regard to the Hon'ble Mr. P. C. Mitter's figures, figures can be made to tell any tale; I shall take the figures as he has put them and for the time being I shall not take Mr. O'Malley's explanation on them or their corrections. If his figures are correct, only $3\frac{1}{2}$ rupees per head was spent on primary education and if things are to continue on that basis the state of things would be a libel on education. We may have to put up with this state of things for a long time. But that must not be the basis of future organisation if we are not with the situation. Under the proposed scheme we shall be paying Rs. 8 to our teachers; Rs. 8 is what we dare not offer to our menial servants now-a-days. My Lord, if education is to be on the basis put forward by the Hon'ble Mr. Mitter, I would much rather that we waited till we could do better and while so waiting took steps to provide teachers capable of conducting this important branch of education without which no other branch of education can possibly flourish. As has been pointed out the Municipal Commissioners who will practically be the masters of the situation are not likely to give themselves and their constituents away. Of course there is the other side to be considered. We must not scare away Municipal Commissioners, but we must realise the situation clearly and try to face it wisely yet boldly and not toy with it for the sake of name only and provide an organisation that will be a failure from the outset. If an important

*The Bengal Primary Education Bill.**'Rai M. C. Mitra Bahadur ; The President ; Babu A. C. Mazumdar.*

matter like this is to be introduced, it ought to be undertaken in all seriousness, and the Government and the municipalities for the time being ought to be left free to judge for themselves what will be the best for each locality."

The Hon'ble Rai Mahendra Chandra Mitra Bahadur said :—

"My Lord, I desire to speak a few words on this very important subject. The question that has been raised is whether there should be a limit to the incidence of taxation by statute. On the one side, it is clearly admitted that there are no materials for limiting the incidence of taxation, and on the other side, it may be contended that those who live within the municipality believe that the burden of taxation is very heavy. Indeed, My Lord, I am going to endorse the latter view, because already those who live within the limits of municipalities are groaning under heavy taxation. It appears in many mufassal municipalities that the percentage has gone up 19, 21, 23 per cent., secondly, it is a matter of serious consideration whether the education cess should be left unlimited, in scope. Therefore, is it not necessary that the Municipal Commissioners should be told that the increase ought not to be above certain limits? The figures which have been submitted by the Hon'ble Mr. Mitter show clearly what this view of the case is, and if that is so, why should it be left in its unlimited scope so that the Municipal Commissioners will be in a position to raise it as much as they like. I say this because the Council ought to consider the ability of the taxpayers in the mufassal municipalities to bear this tax. Those who live within the jurisdiction of the mufassal municipalities will certainly raise their voice in the Council against it.

Now, it is very easy to say that the ratepayers of the municipalities ought to educate their boys; but then again the question depends on their ability to do so and if they are unable to do, what should be the procedure. My Lord, having some experience in this matter I have ventured to submit a few words for the consideration of the Hon'ble Members of the Council."

The President said :—

"Does the Hon'ble mover wish to make any further remarks?"

The Hon'ble Babu Ambika Charan Mazumdar said :—

"My Lord, the figures given by my Hon'ble friend, Mr. P. C. Mitter, seem to me to be quite convincing: the figures given by the Hon'ble Mr. O'Malley also support it that there will be ample funds even with 10 per cent. to provide education for the poor. I do not think I need say much about it. Everything tends to show that there will be sufficient money for primary education with 10 per cent. of the existing municipal taxes. It is not a luxury but it is a necessity, and in providing for a necessity we ought not to go upon mere ideas and sentiments, but to consider the matter from the real practical point of view. It is easy enough for those who are rolling in wealth to say that we must pay any tax. Well, quite so, but there ought to be a limit to every thing;—even to gushing sentiment and as the Hon'ble Mr. Mitter has pointed out, there will be no difficulty in carrying out this primary education even with 10 per cent. I do not see why the matter should be left indefinite and thereby create an apprehension in the minds of those who will be entrusted with the administration of the Act."

*The Bengal Primary Education Bill.**Babu A. C. Mazumdar.*

The motion was then put and a division was taken with the following result :—

<i>Ayes—11.</i>		<i>Noes—26.</i>	
The Hon'ble	Mr. Provash Chunder Mitter, C.I.E.	The Hon'ble	Sir Henry Wheeler, K.C.I.E., C.S.I.
" "	Kumar Shib Shekhareswar Ray.	" "	Mr. J. G. Cumming, C.S.I., C.I.E.
" "	Mr. Arun Chandra Singha.	" "	Sir Bijay Chand Mahtab, K.C.S.I.,
" "	Rai Debender Chunder Ghose Bahadur.	" "	K.C.I.E., I.O.M., Maharajjullhira
" "	Rai Radha Charan Pal Bahadur.	" "	Bahadur of Burdwan.
" "	Khan Sahib Aman Ali.	" "	Mr. J. H. Kerr, C.S.I., C.I.E.
" "	Rai Sri Nath Ray Bahadur.	" "	Mr. C. J. Stevenson-Moore, C.V.O.
" "	Babu Akhil Chandra Datta.	" "	Major-Genl. W. H. B. Robinson, C.B.,
" "	Rai Mahendra Chandra Mitra Bahadur.	" "	I.M.S.
" "	Babu Kishori Mohan Chaudhuri.	" "	Mr. J. Donald, C.I.E.
" "	Babu Ambika Charan Mazumdar.	" "	Mr. L. S. S. O'Malley, C.I.E.
		" "	Mr. M. C. McAlpin.
		" "	Mr. F. A. A. Cowley.
		" "	Mr. C. H. Bompas, C.S.I.
		" "	Mr. W. C. Wordsworth.
		" "	Mr. S. G. Hart.
		" "	Sir Rajendra Nath Mookerjee, K.C.I.E.
		" "	Sir Nilratan Sarkar, Kt.
		" "	Mr. J. Mackenzie, O.B.E.
		" "	Mr. W. H. H. Arden-Wood, C.I.E.
		" "	Babu Siv Narayan Mukharji.
		" "	Mr. W. E. Cruin, O.B.E.
		" "	Sir Deba Prasad Sarbadhikari, Kt.
		" "	C.I.E.
		" "	Mr. W. H. Phelps.
		" "	Mr. G. A. Bayley.
		" "	Mr. H. R. A. Irwin, C.I.E.
		" "	Maulvi Abul Kasem.
		" "	Maulvi A. K. Fazl-ul-Haq.
		" "	Babu Surendra Nath Ray.

The following members were absent :—

The Hon'ble	Mr. H. P. Duval.
" "	Mr. C. F. Payne.
" "	Rai Priya Nath Mukharji Bahadur, I.B.O.
" "	The Nawab Bahadur of Murshidabad.
" "	Mr. Aminur Rahman.
" "	Raja Hrishikesh Laha, C.I.E.
" "	Mr. L. V. N. Meares.
" "	Babu Brojendra Kishor Ray Chaudhuri.
" "	Mr. F. W. Carter, C.I.E., C.B.E.
" "	Dr. Abdulla-al-Mamun Suhrawardy.
" "	Mr. M. Ashraf Ali Khan Chaudhuri.
" "	Babu Bhabendra Chandra Ray.
" "	Mr. Altaf Ali.
" "	Babu Mahendra Nath Ray, C.I.E.
" "	Mr. K. B. Dutt.

The Ayes being 11 and the Noes 26 the motion was lost.

AMENDMENT No. 36.

The Hon'ble Kumar Shib Shekhareswar Ray moved that at the end of sub-clause (1) of clause 21B the following be added, namely :—

" Provided that an education cess shall be levied only upon persons occupying holdings within the Municipality and that the rate of such cess shall in no case exceed three per cent. of the annual value of such holdings, nor shall the amount assessed upon any person, in any one year, be more than twenty-four rupees."

*The Bengal Primary Education Bill.**Sir R. N. Mookerjee.*

He said :—

"My Lord, the Hon'ble Babu Ambika Charan Mazumdar has already dwelt on the necessity of an explicit statutory provision for the manner in which the education cess is to be assessed. There is, however, some difference between his amendment and mine in respect of a suitable rate of assessment. What he wanted is already known to the House, and what I want is that only persons occupying holdings within the municipality are to be assessed and that the maximum rate of assessment is not to exceed 3 per cent. of the annual value of a man's holdings, and in no case he is to pay more than Rs. 24 *per annum* as education cess. I think that my amendment makes an adequate provision for the Education Fund. What my point is—and also that of my Hon'ble friend Babu A. C. Mazumdar—that there should be some definiteness as to the amount which we might be called upon to pay to meet the expenses of primary education. I do not like that we should be left altogether at the mercy of Government as to the amounts which we might be asked to contribute. The extreme vagueness about it is sure to make us uneasy and somewhat overcautious in advocating the cause of primary education. This is not only a matter which concerns the Indian middle classes but the zamindars, the mercantile community, the Government officials and even Your Excellency. The term 'Government,' would after the Reforms mean an Education Minister, who for sometime to come will have to obey the orders of that section of the public who are now very influential in the country though not the real representative of the people. Dictated by them he may lay down a rule that the senior partners of Messrs. Bird & Co. should pay a quarter of their income as education cess : he might make a rule that the zamindars should retain a certain sum for their expenses and pay the rest for education : and it might also be laid down that Your Excellency and the other Members of Your Excellency's Council should pay half of their salaries received by them. My Lord, the vagueness in the provisions would make all this possible. I hope therefore, that this vagueness and cause of uneasiness ought to be removed for the very success of the cause of education, and I hope that my amendment, because of its liberal provision, would be acceptable to the House."

The Hon'ble Sir R. N. Mookerjee said :—

"My Lord, several resolutions have been moved to limit the rate of assessment and taxes and to restrict the power of taxation ; but I have not heard a single voice in opposition to any such resolution. It seems to me that we forget that the assessment will be made by the Municipal Commissioners elected from amongst our own people for the education of our children and also that those Commissioners will themselves have to pay the taxes. Government will only have the power to veto or sanction. I therefore cannot understand why we cannot have confidence in our own people. If we lack confidence in ourselves, i.e., our Municipal Commissioners elected from our own people, how can we in all propriety and consistency clamour for the Reform Scheme or Home Rule. Why should we take for granted that the Municipal Commissioners will not consider the circumstances of the people and their income before they fix the rate of taxation. The Bill for Primary Education has been brought forward by one of our colleagues and not by the Government and the administration of it is left to the people. I therefore fail to see the cause of this opposition thus discrediting our own people by showing want of confidence in their judgment. As regards the alleged apprehension of the Hon'ble mover in regard to the unfair assessment of European firms I can assure him that there is not a single European in this Chamber who shares his fear."

*The Bengal Primary Education Bill.**Babu S. N. Ray ; Maulvi Abul Kasem ; Mr. O'Malley ; The President.***The Hon'ble Babu Surendra Nath Ray said :—**

My Lord, I am sorry I cannot accept this amendment. The education cess is proposed to be levied upon occupiers of holdings, leaving the owners free. This is an amendment which cannot be accepted. Again, the minimum fixed is 3 per cent. on the annual value of holdings, subject to a total maximum of Rs. 24. The two may clash. Is the Hon'ble Member aware that in the town of Calcutta there are several people—owners of houses—who have to pay more than Rs. 10,000 as rates and taxes? Is it proper to exempt them from the education cess, or to levy only Rs. 24 from them? Is my Hon'ble friend aware that the Hon'ble Maharajadhiraja Bahadur of Burdwan pays nearly Rs. 35,000 in the shape of rates and taxes to the Calcutta Corporation, and will the Corporation, who will have to initiate primary education, be content to receive only Rs. 24 from the Hon'ble Maharajadhiraja Bahadur of Burdwan? I think this is a state of things which my Hon'ble friend will never think of. So, under these circumstances, I oppose this amendment."

The Hon'ble Maulvi Abul Kasem said :—

"My Lord, so far as this amendment is concerned, I am sorry that I cannot agree with the Hon'ble mover. But I beg to propose, with Your Excellency's permission, that, if this amendment is not acceptable to the House, the words 'nor shall....be more than twenty-four rupees' be deleted from the end of this proviso."

The Hon'ble Mr. O'Malley said :—

"My Lord, on behalf of Government I am unable to recommend the Council that they should accept this amendment on the general ground that it is opposed to the system of municipal taxation in force in many of the municipalities in Bengal. In smaller towns a personal tax is imposed on the occupiers of holdings; elsewhere a rate on holdings is imposed on the owners. In Calcutta itself the consolidated rate is payable half by the owners and half by the occupiers. This amendment provides that the education cess shall be levied only upon occupiers and the owners are to be exempt; and I imagine that one result of this would be that landlords, often a wealthy class, would escape. There seems to be no valid reason why the landlords should be a privileged class."

The President said :—

"The Hon'ble Maulvi Abul Kasem ought to have given due notice of the amendment which he now proposes. I have, however, no objection to taking the sense of the Council upon this particular proposal. Under these circumstances the amendment moved by the Hon'ble Kumar and the proposed amendment to it now moved by the Hon'ble Maulvi Abul Kasem can be discussed together. I will then put the Hon'ble Maulvi's amendment to the amendment and afterwards I will put the main amendment."

The motion was then put in the following amended form and lost :—

That at the end of sub-clause (1) of clause 21B the following be added, namely :—

"Provided that an education cess shall be levied only upon persons occupying holdings within the municipality and that the rate of such cess shall in no case exceed three *per cent.* of the annual value of such holdings."

*The Bengal Primary Education Bill.**Babu S. N. Ray ; Rai R. C. Pal Bahadur ; Maulvi Abul Kasem.***AMENDMENT No. 37.**

The Hon'ble Kumar Shib Shekhereswar Roy moved that for the words "a majority" in line 4 of sub-clause (2) of clause 21B the words "three-fourths" be substituted.

He said :—

' My Lord, as it is, the clause lays down that at least one Commissioner in excess of half the total number of Commissioners should decide the matter of imposition of an education cess ; whereas I suggest that this should be done by a three-fourths majority. While I moved an amendment in respect of clause 2D yesterday, I explained to the House why I wanted a substantial majority in deciding questions of grave importance in our mufassal municipalities. I repeat again that conditions in our mufassal towns are not such as to justify decisions of far-reaching consequences by a bare majority. The conditions might change with the progress of education amongst the rate-payers, but the present is not the time when we could do without insisting on a substantial majority in such matters, especially when we are going to impose an education cess in order to finance voluntary education and not compulsory education. I, therefore, commend my amendment for the acceptance of the House."

The Hon'ble Babu Surendra Nath Ray said :—

" My Lord, I cannot accept this amendment and the reasons which I have already given in opposing my Hon'ble friend's amendment No. 16 are applicable to this case also. For these reasons, I oppose the amendment."

The Hon'ble Rai Radha Charan Pal Bahadur said :—

" My Lord, as far as I understand my friend, his amendment is that the education cess shall not be imposed unless the Commissioners, by a resolution, passed at a special general meeting convened for the purpose, and in favour of which a three-fourths majority of the total number of Commissioners have voted, shall determine to impose such a cess. I do not know why my Hon'ble friend in charge of the Bill is not agreeable to accept this amendment, because, in the Bill which was originally drafted, the two-thirds majority was inserted, but somehow or other owing to the wonderful transformation this Bill has undergone, that has escaped our attention : otherwise we would have insisted on the two-thirds majority being retained. I should personally be quite content if two-thirds majority were re-inserted here ; and therefore I support the motion of my Hon'ble friend the Kumar."

The Hon'ble Maulvi Abul Kasem said :—

" My Lord, I rise just to oppose the motion of my Hon'ble friend the Kumar Shib S. R. He proposes that no cess can be levied unless three-fourths of the total number of Municipal Commissioners vote for it or ask for it. Practically, the result will be that if only a small number, say one-fourth, of the Municipal Commissioners want to stand in the way, they will be able successfully to do it by voting against it. I would personally like to have a substantial majority of 'two-thirds' but 'three-fourths' is a very high majority, and it will be very difficult to advance primary education if such a large majority is insisted upon."

The motion was then put and lost.

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Babu S. N. Ray ; The President ; Mr. O'Malley ; Babu Kishori Mohan Chaudhuri.

The Hon'ble Babu Surendra Nath Ray said :—

"My Lord, if Your Excellency will allow, I have no objection to accept the two-thirds majority."

The President said :—

"The Hon'ble Member is too late : the question is already decided."

AMENDMENT No. 38.

The Hon'ble Babu Kishori Mohan Chaudhuri moved that after the word "publication" in line 2 of sub-clause (1) of clause 21C the words "and after considering the views of the Commissioners" be inserted.

He said :—

"My Lord, by this amendment I simply want to make it obligatory upon the Government to consult the views of the Commissioners in framing rules. As the clause stands, simply after previous publication the rules may be made ; but in a matter like this it is very desirable that the persons most concerned should be consulted on the proposed rules. That is the simple reason why I propose that after the word 'publication' the words 'and after considering the views of the Commissioners' should be added. This is a very simple matter and I hope on the part of Government there will be no objection."

The Hon'ble Mr. O'Malley said :—

"My Lord, I think the Hon'ble Member is under some misapprehension as to the necessity for the words which he proposes to insert. The words 'after previous publication' really make it necessary that any views which the Commissioners may express shall be considered. There is no specific provision to this effect, because it is a matter which is covered by section 24 of the General Clauses Act. That section lays down that the authority having power to make rules shall consider any objection or suggestion which may be received from any person with respect to the draft. Under the section, as it stands, therefore, there will be a preliminary notification, the views and criticisms of the public will be invited, and Government will consider any opinions received before the rules are confirmed. The words suggested by the Hon'ble mover would therefore be superfluous ; and I suggest that the motion might be withdrawn."

The Hon'ble Babu Kishori Mohan Chaudhuri said :—

"My Lord, I could not follow the Hon'ble Member as to whether it is obligatory on Government."

The Hon'ble Mr. O'Malley said :—

"It means that Government shall consider the objections : it is obligatory upon Government. The words 'after previous publication' make it quite clear that objections will be carefully considered by Government."

The motion was then, by leave of the President, withdrawn.

*The Bengal Primary Education Bill.**Mr. P. C. Mitter ; Kumar Shib Shekreswar Ray.***AMENDMENT No. 39.**

The Hon'ble Rai Mahendra Chandra Mitra Bahadur moved that after clause 21D the following be inserted, namely :—

"21DD. The Commissioners shall provide a separate primary school for the education of the children of the 'depressed classes', such as *Mehlers, Muchis, Muddasorases, Haris and Chandals*."

He said :—

"My Lord, I do not wish to say anything more than this that there is a desire on the part of the boys of the depressed class to get themselves educated in the primary schools, and consequently it is necessary that some provision should be made for this when the Bill is going to be passed. On the one hand, we find that the *bhadralok* class object to have their boys educated with the boys of the depressed class. Now I have specified in my amendment that the Commissioners shall provide a separate primary school for the education of the children of *Muchis, Chamars*, etc. In order to give practical effect to the Bill it is necessary that separate classes should be established so that there will be no difficulty as was imagined by many, and at the same time to educate the boys of this class of people. Secondly, my prayer is that separate schools should be established for the purpose of educating the boys of this class. My Lord, I can say that there is a strong desire on the part of this class of the people to have their boys educated; in fact, the other day there was an election in the Serampore Municipality and we found a *Chamar* coming forward to sit as a Municipal Commissioner. The election was a hard contested one, but he got many votes, and the voters themselves did not place any kind of repugnance in getting their man in as a Municipal Commissioner. My Lord, three years ago there was another election in a neighbouring municipality and a *Muchi* came forward as a candidate; there was no objection at the time, and there was every chance of his being elected, but afterwards he had to retire under pressure of circumstances which I need not mention to the House. Five years ago there was another contest in a neighbouring municipality, and a *Chamar* was elected as a Municipal Commissioner. So far as the election went he was successful, but then he had to retire. These illustrations I submit to the Council for the purpose of showing that attempts ought to be made to educate the boys of this class, and I hope and trust that this amendment may be accepted by Government in its present form."

The Hon'ble Mr. P. C. Mitter said :—

"My Lord, I am sorry that my Hon'ble friend Rai Mahendra Chandra Mitra Bahadur was ill-advised enough to move this amendment. I hope, My Lord, if a division be taken on this motion, my friend will be the solitary voter for his amendment. My Lord, if we really want to introduce primary education, if we really believe in the future of responsible government in this country an amendment like this, makes one almost despair of success of responsible government or primary education. Whatever happens to the amendment, My Lord, I would respectfully ask your Lordship to take a division on it, if not for any other purpose, only to show that the Indian members do not share the views of the Hon'ble Member."

The Hon'ble Kumar Shib Shekreswar Ray said :—

"My Lord, I oppose the motion most strongly. I belong to a high class Brahmin family, and I may say that we have no objection to sending our boys to schools where children of the depressed classes are also admitted. As a matter of fact, My Lord, I was educated in the same school along with a *Namasudra* boy, and I may say that he is still one of my best friends."

*The Bengal Primary Education Bill.**Maulvi Abul Kasem ; Maulvi A. K. Fazl-ul Haq ; Babu S. N. Ray.***The Hon'ble Maulvi Abul Kasem said :—**

"My Lord, we have talked and heard of retrograde measures, and I am sorry that a retrograde measure like this should have been brought before the Council by one of our best friends. We have been told of the depressed classes, and it certainly looks strange that anyone should object to his children being educated in the same school, sitting on the same bench as the children of the depressed classes, in these days. It is a matter of some gratification to me, and I am sure it must be so to a large section of my countrymen, both Hindus and Muhammadans, to learn that Kumar Shib Shekharewar Ray, a representative of one of the most aristocratic families in Bengal, is willing to send his children to a school to be educated with *Chandal* boys and that one of his best friends is a *Namasudra*. The Hon'ble mover wants to make a distinction from the very earliest of our lives in the very primary schools, and I do not know where this distinction will cease, when he admits that there is a great desire on the part of those people to receive education. That will in due time raise their aspirations and they will want to be Municipal Commissioners, and I hope that when the time comes and when they are fully educated they will come forward and claim to sit in this very Council, and I am sure everyone of us will be glad to provide seats for them in this Council if they are fit for it. I hope that the good sense of the Hon'ble mover will prevail, and that he will withdraw his amendment."

The Hon'ble Maulvi A. K. Fazl-ul-Haq said :—

"I need hardly say that I oppose this motion ; only, I am at a loss to find language strong enough in which to express my feelings. On the one hand, My Lord, I am anxious in so far as it in me lies to voice what I understand to be the general opinion of this Council, but on the other hand, my respect for the age of the Hon'ble mover of this motion, restrains me from giving vent to my feelings at the present moment. I am saying all these things, because for the last few months we have been agitating not only here but also in England for the grant of responsible Government, and one of the most formidable oppositions which we have hitherto met, is the accusation which seems sometimes to be justified, that although we claim a larger and larger share in the administration of the country, we are not yet prepared to leave aside the prejudices which divide one community from another, and which renders the task of administration in India so very difficult for those to whom the task is entrusted. If a motion like this be carried in this Council, it would at once be telegraphed to the democracy in England, and I would ask my Hon'ble friend to consider what the effect of that telegraph is likely to be. Does he not think that by trying to separate the children by these methods, he will gain an advantage, if any, which I doubt will at all compare favourably with the great disservice he will be doing to the future of the country, by creating one more formidable gulf between the communities and delaying the introduction of self-government in this country. My Lord, I do not wish to waste the time of this Council, but I feel so very strongly that it is useless for me to say anything further on this subject. I only wish with my Hon'ble friend Mr. Mitter that a division be taken on this point at least to show that my Hon'ble friend in spite of the respect we have for him, will find himself in the minority of one, so far as this particular motion is concerned."

The Hon'ble Babu Surendra Nath Ray said :—

"I am sorry I cannot accept this amendment, and the unanimity with which this amendment has been opposed show the feeling on the subject. It is not clear to me as to what the Hon'ble Member exactly wishes to propose."

*The Bengal Primary Education Bill.**Sir Debu Prasad Sarbadhikari.*

Does he want that there should be separate schools for all the different classes for all the different castes that are generally known as the depressed classes, or only one school for what is known as the depressed classes. If it is the former, then I think it is not financially possible to start separate schools for *Pods*, *Bagdis*, *Taors*, *Namasudras*, *Mehters*, *Doms*, in every village or group of villages. If it be the latter, then I should request my friend to think if he has considered whether a *Pod* or even a *Bagdi* would drink water out of the same vessel with the son of a *Mehter* or a *Dom*. In fact, in Bengal there is no separate depressed class, except the *Mehters* and the *Doms*, and they are mostly imported from outside Bengal and their number is not sufficient to justify separate schools being formed. I may tell my Hon'ble friend that most of the so-called depressed classes have never found that the existing conditions have interfered with their education. I know there are *Namasudra* Deputy Magistrates and *Namasudra* Deputy Collectors, and even vakils of the High Court who must have read in colleges along with other boys of the higher castes. I may inform my Hon'ble friend that more than 25 years ago, in my native village of Behala where the majority of the people are Kulin Brahmins, no difficulty was found in admitting a *Namasudra* boy in the local English school, and that boy read along with my brothers. Every such difficult problem will have to be solved as they arise by the School Committee, by tact, by good sense and in a spirit of toleration. If this amendment be accepted, all I can say is that we are not fit for self-government."

The Hon'ble Sir Debu Prasad Sarbadhikari said —

I had no desire, My Lord, to take part in killing of the slain. The Hon'ble Member in charge has paid the Hon'ble mover the compliment of taking his amendment seriously and has put forward arguments to show that if the amendment is accepted it would be impracticable in working. I am quite aware of the practical difficulties in our way and they have to be solved as they arise in quite a different fashion, so that all the diverging interests may be reconciled. That is not the reason of my opposing the objectionable amendment. Nor do I wish to oppose it because of the apprehension expressed by some that its success is likely to be telegraphed forthwith to the British democracy to the prejudice of the cause of Reforms that has been started of late. The Reforms are broader based than that and they would not be worth having if the British democracy, which has its own defects and weaknesses and foibles is to be allowed to dictate social reform such as it conceives to be desirable, as a *seni qua non*. My reasons are altogether different. I have often said elsewhere and I say it again with all the emphasis that I can command that it is a downright shortsighted policy to call really strong living useful and respectable sections of the community 'the depressed class.' If the amendment really stopped at the words about—opening schools for the depressed classes—I should have thought that my Hon'ble friend wanted separate schools for Brahmins and Kayasthas and those other classes who from a certain point of view really form the depressed classes of the day. The Hon'ble mover was also probably apprehensive of this likely and natural interpretation and that is why perhaps he has brought in qualifying words such as *Chamars*, *Muchis*, etc. My Lord, if this demand went further and if the University had to make arrangements for what is proposed in this amendment in connection with primary schools, what our difficulty would be has been already indicated. We have not attached any such consideration to stand in the way of the general advancement of the people and the enlargement of culture. But we have been foresighted enough to have teachers and professors in the University—belonging to the depressed classes—and we have made arrangements for Vedic teaching to the Muham-madans. This, My Lord, is the better mind of the country not because of the

*The Bengal Primary Education Bill.**Rai Mahendra Chandra Mitra Bahadur.*

apprehension of what the democracy in England might think but because of the traditions of the land. I know my Hon'ble friend is a devout Vaishnava and as such he should not have forgotten the *shastric* dictum about *ভাষ্যেণ বিজ্ঞেয়ং বসিষ্ঠক পত্নয়ঃ*. He forgets the beautiful story of Satyakama who did not know who his father was. His mother told him and he repeated the story to his teacher that she did not know who his father was. The students revolted but the *guru* protested against such revolt and said that he must be a true Brahmin because he was truthful and he accepted Satyakama as a Brahmin. That much more that I could recount about Ramchandra and Sreekrishna represents the ancient tradition of the land that finds an echo to-day whatever may have been the intermediate lapses. This amendment will serve a useful purpose for the debate helps in bringing out the real mind of the country. The unanimous way in which the non-official members have pronounced their conviction that there is no caste rule so far as our educational institutions are concerned. I do not blame my Hon'ble friend. I fully approach the practical difficulties that he has probably in his mind and which must be surmounted. There was a time not long ago when even under the British rule neither my Hon'ble friend nor myself would have been admitted in the Sanskrit College. It did not however take long for a Kayastha to be Principal of that College. The older order thus giveth place to the new and onward progress cannot and must not be artificially retarded in the holy domains of culture and education. We have present in the Visitors' gallery to-day a distinguished educationist from the southern side of India Sir Siva Swamy Iyer. I hope he will not carry away from this Council the impression that Madras where the Panchama question is so much to the fore, is in advance of Bengal in this respect."

The Hon'ble Rai Mahendra Chandra Mitra Bahadur said :—

"My Lord, I wish to say a few words regarding this amendment. I find that there is a growing feeling here among the members of this Council against this amendment. My object in putting this amendment was that education should be spread to this class of the people. I limited the amendment to these words : 'such as *Muchis*, *Mehters*, etc.' It was far from my intention to exclude in this resolution other people of the depressed class. We found it difficult, My Lord, in the mufassal towns to allow Brahmin boys to be educated with *Mehters* and *Muchis*, consequently there was an idea in my mind to have separate schools for the purpose of educating boys of this class. In fact, I remember one instance when I got a *Mehter* boy admitted into a primary school, the result was that the Brahmins, Kayasthas and boys of other classes ran away from the place. So we find a great difficulty in the mufassal. I may say it was never my object not to limit the progress of education among boys of these castes. Far from that.

The Hon'ble Maulvi Fazl-ul-Haq was very kind to me when he stated that he could have used strong language against me but for my age. He says he has respect for me and my age. I thank him for it. He must, however, admit the difficulty which we in the mufassal feel in this matter, and I therefore thought it necessary that provision should be made for the spread of education among boys of this class, and at the same time no objection should be raised to having separate schools for boys of these depressed classes. In that view of the matter I came forward with a resolution like this :

*The Bengal Primary Education Bill.**Babu Surendra Nath Ray; Rai Radha Charan Pal Bahadur; Mr. O'Malley.*

It was said by the Hon'ble Maulvi Fazl-ul-Huq that if an amendment like this is allowed in the Council it will be telegraphed to the British democratic party, but I am quite sure the British democratic party would have appreciated the spirit in which we are placed here. I appreciate the spirit of spreading education amongst this class, so I wanted to have separate schools so that there could not be any difficulty in the way.

One Hon'ble member has said that he would have no objection to sending his boys to be educated amongst boys of this class. I congratulate him for this. But if he understood my object in bringing forward this amendment, he would not have accused me.

My Lord, when there is so much opposition amongst the non-official members of the Council, I think it necessary that I should withdraw this amendment, though my non-official friends can sympathise with me for putting it. I have explained the reasons which led me to come forward in the Council and move this amendment. It was with the sole reason that education may be spread amongst the depressed classes. With Your Excellency's permission, I shall withdraw the amendment."

The motion was then, by leave of the President, withdrawn.

AMENDMENT No. 40.

The Hon'ble Rai Radha Charan Pal Bahadur moved, that after the word "may" in line 4 of clause 21F the words "after reference to the Commissioners" be inserted.

He said :—

"My lord I believe this is the last amendment and I fervently hope that this will not be a contentious one and will be accepted. I think that Government ordinarily consults Municipal Commissioners in matters like this but in order to avoid any dispute—so that there may be no misapprehension with regard to this—it is better to have a reference like that proposed in my amendment in the Statute book, that after consulting the Commissioners the notification may be withdrawn. I do not think that this will put the Government in any difficulty financial or otherwise. I see the Hon'ble Member in charge is smiling and so I have great hopes that he will accept this amendment."

The Hon'ble Babu Surendra Nath Ray said :—

"My Lord, I can accept my Hon'ble friend's amendment with this verbal modification—'After considering any explanation of the Commissioners.'"

The Hon'ble Rai Radha Charan Pal Bahadur said :—

"I accept the modified form of my amendment."

The Hon'ble Mr. O'Malley said :—

"Government will also accept it."

The Hon'ble Rai Radha Charan Pal Bahadur said :—

My Lord, I am very glad that my amendment has been accepted though in a modified form. This was the last amendment and it has ended as we say *সমুদায়ের লক্ষ্যপূর্ণ*।

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President; Babu Surendra Nath Ray.*

The amendment was then put 'in the following amended' form and agreed to—

That after the word "may" in line 4 of clause 21F the words "after considering any explanation of the Commissioners."

The Hon'ble Babu Ambika Charan Mazumdar having got up to speak the President said :—

"Does the Hon'ble Member wish to rise to a point of order?"

The Hon'ble Babu Ambika Charan Mazumdar said :—

"My Lord, it is with feelings of greatest regret that I rise to move that under rule 47 (2) of the Legislative Business rules I rise to object to the passing of this bill in the form in which it has been settled here."

The President said :—

"Order, order! The Hon'ble Member must wait till the motion for passing the Bill has been made. He cannot move that motion now. There is nothing to object to till the motion for passing the Bill is before the Council."

LIST OF BUSINESS—ITEM No. 12.

The Hon'ble Babu Surendra Nath Ray to move that the Secretary be directed to renumber the clauses and sub-clauses of the Bill in consecutive order and to make corresponding alterations in all cross-references thereto.

The motion was put and agreed to.

LIST OF BUSINESS—ITEM No. 13.

The Hon'ble Babu Surendra Nath Ray moved that the Bill, as settled in Council, be passed.

He said :—

"My Lord, in moving that the Bill may be passed I should like to say a few words.

The Bill received hearty welcome from your Lordship's Government when it was first introduced in the Council by me in September 1917. I had occasion at a previous stage of the Bill to refer to the speech of His Excellency the Viceroy at the Imperial Legislative Council in February 1918. He has again referred to the subject of primary education in the Imperial Legislative Council on the 6th of this month.

He said : 'I have already mentioned in this Council the Bill introduced by the Hon'ble Mr. Patel to enable district municipalities in Bombay to adopt, with the sanction of the Local Government, compulsory elementary education for children. That Bill has now become law and I am glad to see that the Government of Bombay propose to behave in a liberal manner to any municipality which desires and is able to adopt its provisions. I have already given my assent to a Bill of a similar nature but of wider application in Bihar and Orissa, and other Bills are either awaiting introduction or have arrived at various stages in the process of legislation.' It will therefore appear that His Excellency the Viceroy views with approval the attitude of the Bombay Government towards the measure. The question of extension of primary

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education has been before Government for a long time. So far back as the year 1906, the Government of India (then under Lord Curzon) was considering the desirability of introducing free primary education throughout India as will be evident from the following letter of Sir Herbert Risley to the Local Governments.

He wrote : ' If the Government of India have never declared that universal primary education is the aim in view, yet the whole spirit of their declarations has been in favour of the fullest possible provision of primary schools. To insist upon the permanent retention of fees is manifestly incompatible not only with universal school attendance but with anything that approaches to it. They would therefore desire to abolish fees as soon as the finances of the country permit Government to increase the funds available for primary education to such an extent as to counteract the loss of income which would thereby fall upon these schools. The Governor-General in Council hopes that this time has now arrived, but he desires to examine the question in the light of the replies to the inquiries made in this letter regarding the cost of the scheme.'

I believe some of the local Governments opposed free primary education and the desire of Lord Curzon to have free primary education throughout the length and breadth of the country was frustrated. Now that the Bill is about to be passed and is to be an Act, I have to state again for your Lordship's consideration that this measure of primary education will be a dead letter unless it has the full support of Government and unless the Government will aid this measure by substantial financial assistance. The other day when the Bombay municipalities wanted the Bombay Government to contribute one-third of the expenses towards the cost of primary education, His Excellency the Governor of Bombay assured them that the Government would be prepared to bear half the expenditure. The mere fact of the passing of this Bill will mean nothing. The non-official members of this Council hope that Your Excellency's Government may be pleased to make a statement as to how far Government are prepared to help local bodies financially in spreading education. It will be an index of the earnestness of the Government on the subject and will be received with satisfaction by the people of this country.

My Lord, the Bill has undergone changes in the Select Committee, and I have every reason to believe that if the provisions of the Bill be properly and strictly enforced, it will be the sure means of spreading education among the masses and of infusing a new life into them. Knowledge is power. The illiterate masses will, with the spread of education, be one day a power in the land, and the hitherto dumb-driven cattle will be heroes in the strife of social and economical development of this country."

The Hon'ble Babu Ambika Charan Mazumdar said :—

"My Lord, it is with a feeling of the deepest regret that I rise to object, under rule 47, clause 2, to the passing of the Bill in the present form. My regret is due, *firstly*, to the fact that I think that it is more than 20 years ago when I had been not only thinking but talking of primary education being made compulsory throughout the country. It was one of the earliest dreams of my life to see that my ignorant countrymen who are now lying low in the scale of society might be elevated and that their fortune might be brightened by education. Now to find myself somewhat disappointed in that hope is my first regret. The second reason for my regret is that I have to oppose a Bill which is a private measure and perhaps the very first of its kind; but a sense of duty compels me to raise my voice against the measure which, to my mind, does not satisfy the requirements of the people and which, I apprehend, will prove a failure in attaining the object for which it is intended.

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As regards my opposing the Bill which has been brought forward by my esteemed friend to the left, it is some consolation, though a very poor consolation, to me, to find that the Bill of which he was the father was exactly the sort of Bill which I had always wished to see in this Council, but this Bill has been 'transformed' in the words of my hon'ble friend Rai Radha Charan Pal Bahadur 'almost beyond recognition'. With these few observations, I base my objection upon the following considerations. That having regard to the fact that primary education is not made compulsory and that at the same time the Bill proposes to levy an education cess without making such education free; that having regard to the fact that the nature of education to be imparted under this Act is left entirely in the hands of the Education Department which has so far exhibited no very remarkable tendency to extend primary education in the name of supervision and efficiency; that having regard to the fact that Government is unwilling to commit itself even to a modest contribution towards the expenses of such education; that having regard to the fact that the levying of the cess, its nature and incidence, is entirely left to Government without even indicating the line on which it is to proceed—and thereby this Council has practically in my opinion abdicated its proper function; I feel constrained to object to the passing of this Bill in its present form. I know of no law passed up to this time bearing on any cess, e.g. the Municipal Act, the Local Self-Government Act, the Income-tax Act—being so framed by the Legislature as not to indicate even the nature of a tax; and I think no Act has up to this time left it to the rules of Government to indicate the nature as well as the incidence of any tax.

My hon'ble friend Sir R. N. Mookerjee, for whom I always hold the highest estimation, tells us that we are not to distrust our own men and that we might be perfectly content with this tax being levied by our own men, namely, the Municipal Commissioners. He will pardon me if I tell him that it is not exactly so. The Municipal Commissioners will be the conduit pipe of certain rules to be framed by Government and they will have to be guided exactly by these rules. Whatever they may be, I have tried my best to indicate the line on which the tax ought to proceed, but in my attempt I have signally failed.

There is another consideration, My Lord, namely, that the Bill as settled in Council is not likely very much to expand and improve primary education, but only to burden the people with an additional tax, the weight of which may not be so much felt by those of us who are in the metropolis, but which will surely be the last straw on the camel's back on many a municipality in the mufassal. We will be quite willing to bear this burden if we could only have understood what would be the nature of this tax, what would be the incidence and how this tax would be utilised in really expanding and improving the primary education, and we would have been still more glad to know that Government was going to stretch out its helping hand in a substantial measure, but in all this we have failed. I submit that the Bill be not passed now and we may wait for better times and press for a Bill like this for which we have tried so hard and so incessantly for the last few years. The Bill was welcomed by us and we thought that it was going to be a blessing; but at the last moment it has been sprung upon us in a form and shape in which I may almost say—like prophet Balaam who was asked to bless the people—it has come only to curse them. With these remarks and without prolonging my argument on this point, I ask Your Excellency's ruling under clause (2) of rule 47, so that this Bill may not be passed now."

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The President said :—

"I understand that the Hon'ble Member objects to the Bill being further proceeded with to-day. The arguments which he has adduced in this speech so far have been directed against the merits of the Bill and not against proceeding with it to-day. The rule to which the Hon'ble Member refers gives any Hon'ble Member of this Council the right of objecting to a Bill being further proceeded with if amendments have been made to the Bill. It also gives the President the right of rejecting the objection if he thinks fit. In considering whether an objection of this kind should be accepted or not, I should naturally be influenced by two things—*firstly*, whether the amendments made in the Bill were of such a character as to make any substantial change in the matter of the Bill. If the amendments made in the Bill were limited to verbal alterations, I should not regard that as sufficient reason for accepting the objection to proceeding with the Bill forthwith. The other thing by which I should be influenced would be the extent of the opposition in the Council to the measure being proceeded with. In order to ascertain that I have the right of asking any Hon'ble Member who wishes to object to the Bill being further proceeded with to-day to show me by holding up his hand. But before I ask the Hon'ble Members to do that, I should like to hear from the hon'ble mover of the Bill what he has to say in reply to the objection.

If, however, the Hon'ble Babu Ambika Charan Mazumdar wishes to put forward a further argument in favour of his objection to proceeding with the Bill I would be very glad to hear him before the Hon'ble Babu Surendra Nath Ray replies."

The Hon'ble Babu Ambika Charan Mazumdar said :—

"Your Excellency, my object in bringing forward this motion is that some time may be allowed and then some of these considerations which I have enumerated in my objection might influence the Council to consider the matter further; and at a future meeting probably they might give these points a fair consideration. I have enumerated one after another the salient points upon which I base my objection. I think that if some time were given and this matter were brought up at a future meeting, Hon'ble Members would have, under the rules, to debate on some of these points, and then probably there may be some change in this matter, and that is the reason why I have put forward this motion."

The President said :—

"I think it is right that I should point out to the Council that if the Bill is not proceeded with to-day and it comes up for further consideration at a future meeting, it will not be in order for any Hon'ble Member to move any of the amendments which have already been decided by the Council during yesterday and to-day. It would only be open to Hon'ble Members to bring forward different amendments. I think the Hon'ble Members understand that."

The Hon'ble Babu Ambika Charan Mazumdar said :—

"Yes, My Lord."

The Hon'ble Babu Surendra Nath Ray said :—

"My Lord, I am sorry I have to oppose this motion of my hon'ble and esteemed friend, Babu Ambika Charan Mazumdar. My friend, Hon'ble Maulvi Fazl-ul-Huq, said yesterday that Indians want delay in all matters.

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It is one of the traits in their character. But we all know that this question, the question of educating the masses has been before the public at least since the year 1906, if not earlier. The Congress, public men from the platform, and the Press have been incessantly crying for nearly a quarter of a century for mass education and now that the time has arrived for the passing of the Bill, my friend comes forward with a motion for the postponement of the measure. All these speeches from the platform—all these writings from the Press would be considered as cant. I can very well understand the enemies of Indian progress coming forward to make such a motion as this; but what has taken me by surprise is that an enlightened gentleman like my hon'ble and esteemed friend should come forward with such a motion. We are trying to have self-government at no distant day, but we cannot say that we are properly fit for self-government unless the masses of our people are educated. And my friend wants to put off the day when education will make a headway in the country. The country had this Bill before it for nearly 18 months and opinions have been received from public bodies, from officials and non-officials and there has been almost unanimity of feeling on the subject of primary education, viz., that steps should be taken to expand it. No doubt, there have been some changes and radical changes in the Bill in the Select Committee; but the underlying principle of the Bill is that we should take early steps to spread education among the masses. That principle has not been touched at all by the Select Committee; if that be the case, I really cannot understand the motive of my friend in making this objection. If the Bill had been passed as it was originally framed by me much of the work in connection with the Bill would have been left to the Education Department. The same powers and nothing more are now to be left by the Bill as it has now emerged from the Select Committee to the Education Department.

The Reforms Scheme may come into operation in another 18 months and primary education will be in the hands of the Ministers. The experience of the working of the Bill for these 18 months will stand us in good stead, so that if the provisions of the Bill be found to be unworkable there will be time enough to bring forward amendments."

The Hon'ble Mr. P. C. Mitter said :—

"My Lord, I am really sorry that my hon'ble friend, Babu Ambika Charan Mazumdar, has made this motion: and giving all considerations to the arguments advanced by him I fail to see any substance in those arguments. I say this with the greatest possible respect to my hon'ble friend. His main objection seems to be that primary education has not been made free and yet an education cess has been imposed. Another objection which really centres round the question of the imposition of an education cess is that there is no indication as to the limitation of taxation and that is only left to the rules of Government. It seems to me, My Lord, that his objections are really based upon some misapprehension of section 21B of this Bill. Undoubtedly clause (3) of section 21B says that the education cess shall be levied in such a manner as may be prescribed by rules made by the Local Government: but clause (1) of that section makes it abundantly clear that it is the Commissioners who, with the previous sanction of the Local Government, will be able to impose a tax called education cess, because clause (1) of 21B says that if the existing resources of any municipality, including any grant from Government, are not sufficient to cover the cost of primary education within the municipality, the Commissioners may, with the previous sanction of the Local Government, impose a tax to be called an education cess, and all amounts derived therefrom shall be devoted solely to the purpose of primary education. That makes it quite clear that the initiative

*The Bengal Primary Education Bill.**Babu Akhil Chandra Datta.*

must come from the Commissioners. It makes it equally clear that the whole of the amount levied as education cess must be devoted for the purpose of primary education. That being so, I fail to see the point in the Hon'ble Member's argument that primary education has not been made free and yet an education cess has been imposed. If primary education is not made free, every pice which is raised by the education cess will be spent for the benefit of primary education, and furthermore, as my Hon'ble friend Sir R. N. Mookerjee has pointed out, it will be our own countrymen—the Municipal Commissioners whose Municipalities will be affected and with whom the initiative will lie. My friend the Hon'ble Babu Ambika Charan Mazumdar's reply to that seems to me to be not convincing at any rate because that reply implies a confusion of the provisions of clause (3) of section 21B and clause (1) of section 21B. Clause (1) of section 21B, as I have already said, makes it abundantly clear that the initiative lies with the Municipal Commissioners. If the Commissioners of a particular municipality find that that municipality is too poor to take advantage of the provisions of the Bill then there is no compulsion, and if there is no compulsion how does any question of the rules of Government to be framed under clause (3) come in?—I fail to see. My Lord, we have been discussing the question of primary education for years past: other provinces have introduced Bills and should Bengal lag behind? My Lord, without the advantage of a Bill for primary education we in Bengal are more forward in the matter of education than any other province—our total number of literates is much higher than the number of literates in any other province and it is axiomatic, as the late Mr. Gokhale laid down time after time, that the proper time for introducing compulsory primary education comes when there is at least one-third literacy in the land. I am able to tell the Council that we have more than attained this standard so far as the adult male population is concerned, although if you take the female population we have not come up to that standard. Therefore, My Lord, I say the time is ripe. Here is a Bill, to which many of us—both officials and non-officials—have given our time, and our thought, and what purpose will be secured by putting it off? As the Hon'ble Member in charge of the Bill has submitted to the Council, the Reforms Scheme will certainly make primary education a department of the Minister, and it will be a gain that we shall have the advantage of the administration of the Bill by the present Government department before the Indian Minister comes in. For all these reasons, I am against the motion of my hon'ble friend, Babu Ambika Charan Mazumdar."

The Hon'ble Babu Akhil Chandra Datta said :—

"My Lord, I rise to support the objection raised by the Hon'ble Babu Ambika Charan Mazumdar and my reasons are these. The prolonged debate and the hurried discussion of these two days has proved beyond doubt that there are some questions involved in the Bill which are highly controversial. One may agree or disagree with the decisions we have arrived at on the various vital questions involved in the amendments on the agenda. But in all fairness, it must be conceded by all that the matter is highly controversial—that is one fact. However, the mere fact that the matter is highly controversial is in itself not certainly a ground for asking Your Excellency not to proceed with the Bill at this meeting. There is another ground, and a very important ground, which is this; that there is a feeling that the original Bill has now been transformed almost beyond recognition. The third fact is this that these alterations are not on mere details but on substantial and material aspects of the Bill. In view of these facts, My Lord, the question arises whether it is not fair to give the public an opportunity to express their opinion upon the provisions of the Bill as they now stand."

*The Bengal Primary Education Bill ; Resolutions.**The President ; Babu Akhil Chandra Datta ; Babu Kishori Mohan Chaudhuri.***The President** said :—

"Order ! Order ! The Hon'ble Member is going entirely beyond rule 47. (The Hon'ble Member must resume his seat when I rise.) The arguments which the Hon'ble Member has now adduced relate to the matter of referring the Bill for public opinion. The Hon'ble Member could have moved a motion of this kind before the Bill was taken into consideration ; but as he has not done so, he can not adduce arguments in favour of such a motion now. It is now too late for him to do so."

The Hon'ble Babu Akhil Chandra Datta said :—

"My Lord, with Your Excellency's permission I am submitting arguments in support of the objection that has been raised by my hon'ble friend, Babu Ambika Charan Mazumdar under clause (2) of rule 47."

The President said :—

"The Hon'ble Member refers to the amendments passed in Select Committee. If the Hon'ble Member wished to refer the Bill back either to the Select Committee or to the public, because alterations had been made in the Select Committee, he ought to have moved his motion before the Bill was taken into consideration, in precisely the same way as the Hon'ble Maulvi Faz-ul-Huq did in the case of the Village Self-Government Bill. He cannot adduce arguments now in favour of a procedure of that kind. It is now too late. The only effect of my accepting the objection will be that instead of the Bill being passed to-day it will be passed at the next meeting of the Council. That will be the only effect."

The Hon'ble Babu Akhil Chandra Datta said :—

"My Lord, that is beside my point. I am not opposing the passing of the whole Bill ; I am not also moving for adjournment. What I simply want is that it may be adjourned to another meeting under clause 47(2). This is the whole objection ; nothing more than that."

The President said :—

"But the Hon'ble Member has not yet brought forward any argument in favour of that course which appeals to me. Has the Hon'ble Member any valid argument in favour of that course ? I think perhaps it will save time if I ascertain whether there is any strong feeling against proceeding with the Bill. Will those Hon'ble Members who object to the Bill being proceeded with further to-day hold up their hands ?

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Well, six Hon'ble Members object. Under these circumstances I am prepared to accept the objection."

LIST OF BUSINESS—ITEM No. 14.**RESOLUTIONS.***(Under the rules for the discussion of matters of general public interest.)*

The Hon'ble Babu Kishori Mohan Chaudhuri moved the following resolution :—

"This Council recommends to the Governor in Council that the recommendations of the Public Services Commission and the Government proposals thereon be discussed in this Council before they are given effect to."

*Resolutions.**Sir Henry Wheeler.*

He said :—

"My Lord, I do not wish to say much on this subject regarding the recommendations of the Public Services Commission. They are in the nature of proposals for reform in the various services of public administration of the country, and affect also provincial finances. It is therefore desirable that before any effect is given to the Government proposals public opinion should be invited from interested persons and public bodies would also, I hope, like to submit their opinions on these proposals. It is very desirable that these things should be discussed at a meeting which will afford the members an opportunity to see in what way these Government proposals are received by the public. Government will also have an opportunity of explaining in what way they have received public criticism. With that object in view I have brought forward this resolution for the acceptance of Your Excellency's Government, and I hope that, as in the case of other reform proposals, these proposals should also be discussed in Council before they are given effect to. Therefore I hope an opportunity will be given, and I humbly submit the resolution for the consideration of the House and for their acceptance."

The Hon'ble Sir Henry Wheeler said:—

"My Lord, before proceeding to examine exactly what the resolution asks for, I would like to remind the Council of what has transpired, previous to this date, by way of assurances given by Government regarding the consultation of public opinion on the recommendations of the Public Services Commission. After the report was published, this point—that the public should have an opportunity of making themselves heard—not unnaturally attracted attention, and it was in fact mooted in the Imperial Legislative Council on the 7th March 1917, when the Government of India were asked to make a statement and replied that they had no doubt that Local Governments would be careful to ascertain non-official opinion (including that of representative Indians) where such consultation would be of assistance, though they thought that the occasion and method of that consultation might safely be left to each Local Government's discretion. The point was again raised by a question in this Council on the 3rd July 1917, and an answer was given to the effect that the Governor in Council had every intention of giving public opinion an opportunity of expressing itself, but had decided to defer formal reference until after a communication promised by the Government of India. That communication, as the Council will remember, was in pursuance of the original idea that, after a preliminary examination of the general principles underlying the Report, the Government of India would try and lay down broad lines upon which subsequent discussion should proceed. That is what we promised to do on behalf of the Local Government and it is on these lines that we are working. There were two courses open to us, one of which was far more helpful to the public than the other. On receipt of the report of the Public Services Commission, we could have thrown it before the public and said: 'Here are the recommendations; if you have got anything to say about them, you had better say it now.' That would have made it extremely difficult for the public to follow the various points involved, and might merely have resulted in a repetition of the evidence given before the Public Services Commission. We therefore discarded that plan, and according as views crystallized in respect of individual services, we have endeavoured to put out well-balanced and non-committal resolutions, explaining what the recommendations of the Public Services Commission in connection with each particular service were, what the arguments are on either side, what considerations were accepted as valid in the past, and what consideration might weigh, on either side in the future. That method concentrates the attention of the public on the particular

*Resolutions.**Sir Henry Wheeler.*

service under discussion, puts them in possession of a certain amount of information about it of which, possibly, they were not previously aware, and it gets the whole thing on to a manageable basis. We have already done this in connection with the Police Service and the Subordinate Judicial Service, and in to-day's *Gazette* there appeared a short Resolution regarding some not very important questions relating to the Excise Department. Very shortly there will be a similar resolution about the Forest Service and the Indian Civil Service. The other services will no doubt come up hereafter for similar treatment on these lines, while the matter of the Educational Service was considered by a special committee. That is what we have done, and are doing, and it will be seen that we have afforded ample opportunity to public opinion to make itself heard, and have endeavoured to provide facilities for its formulation.

In the actual resolution which has just been moved there are really three points, and I will take them up separately. The first proposal is that the recommendations of the Public Services Commission should be discussed in this Council before they are given effect to, but such a course does not require the authority of this resolution because, even as things stand, it is open to any Hon'ble Member, providing he observes the rules, to move a resolution relative to those recommendations for discussion in Council. The matter must then come up for discussion and different views can be expressed. Therefore, to that extent, there is nothing that requires the acceptance of this particular resolution, which is superfluous. But there are two other points which the resolution raises and which, on the merits, I am not prepared to accept. The first asks that the proposals of the Local Government should be discussed in this Council. Now what is the constitutional position? We have these recommendations referred to us by the Government of India for opinion, and we, in our turn, put them before the public for opinion. We thus collect material useful to Government, and on that material we submit our views to the Government of India. They, in their turn, scrutinise them along with other opinions from other provinces, if the matter is one which concerns all India, and if a decision is beyond their competence they refer their proposals to the Secretary of State with whom, eventually, the final authority lies. That is the ordinary constitutional position, and it would be quite inappropriate that this Local Government should come before the Council and say 'Before we send this letter to the Government of India, we wish to have the opinion of the Council upon it.' The proper time for an expression of public opinion is when the matter is put before the public.

The third point is even more open to objection, and I think that even the Hon'ble Member must admit that we could not agree that the recommendations of the Public Services Commission should come up for discussion before this Council before effect is given to them. As I have just explained, all major proposals in connection with each of the public services must receive the approval of the Secretary of State or the Government of India, as the case may be, but it would be quite impossible for us, after we had got the orders of the Secretary of State, not to give effect to them till the opinion of the Council was received.

For these reasons I cannot accept this resolution, though I cannot help feeling that what is really in the Hon'ble Member's mind is that there should, at some time, be a discussion in this Council on these recommendations. But if he thinks for a moment, he will find that it is already within his compass to give notice of any resolution which he desires to move in this connection and which complies with the rules."

*Resolutions.**Babu Kishori Mohan Chaudhuri; Babu Surendra Nath Ray.***The Hon'ble Babu Kishori Mohan Chaudhuri** said :—

"My Lord, the only difficulty which I feel in discussing the question is that the suggestion is that any Hon'ble Member may submit his views when public opinion is invited, but there the difficulty is that we will only get individual opinion, but if it is discussed at a meeting of this Council then our views may also be submitted to the Government of India along with the views of the Local Government and also to the Secretary of State. My idea is that the result of the discussion may be communicated as was done in the case of the Reform proposals. If the question is discussed here, the advantage is that with the recommendations of the Public Services Commission, the Government proposals, as well as the opinion of public bodies and the persons most interested all will sent together and matured consideration may be given to the subject under discussion. My contention is that it is not possible for us to express an opinion simply on the recommendations of the Public Services Commission, without an explanation of the views of Government and also public bodies, and so they can only be discussed in a public meeting of this Council. I have brought forward this resolution so that we may have facilities for submitting our matured views upon those recommendations, and if Government is in sympathy with this proposal there is no difficulty about it. That will also give the Government and other members to know what the public opinion is on this matter. All I desire is that Government when submitting their opinion will also send the opinions of various public bodies as well as the discussions of this Council, and I hope that this may be accepted, and there will be no objection."

The resolution was then put and lost.

LIST OF BUSINESS—ITEM NO. 15.**The Hon'ble Babu Surendra Nath Ray** moved the following resolution :—

"This Council recommends to the Governor in Council that a Committee, consisting of official and non-official members of this Council, be appointed to consider the question of the reorganization of the judicial branch of the Provincial Civil Service, in the light of—

- (a) the recommendations made in this behalf by the Public Services Commission ;
- (b) the Government Resolution No. 6279A., dated the 19th November, 1918 ;
- (c) the opinion of the Hon'ble High Court referred to in the Government Resolution ; and
- (d) such expressions of opinions and resolutions as may have been received by Government on the said Government Resolution."

He said :—

"On the 20th November last Your Lordship's Government was pleased to publish a Resolution on the Report of the Public Services Commission regarding the organisation, recruitment, probation, training and the pay and prospects generally of the members of the Provincial Judicial Service and to invite opinion on those points. Your Lordship's Government was pleased to appoint a committee some time ago to consider the prospects of the members of the Education Department. I base my claim to move this resolution upon that precedent. We have not as yet Standing Committees to consider these important questions. Government have no doubt done the right thing in inviting public opinion on this question, but it would add to the weight of the decision of Your Lordship's Government, and I have every reason to expect that it would command greater confidence of the public, if a small committee were appointed by Your Lordship's Government to consider the

*Resolutions.**Babu Surendra Nath Ray.*

matter. There is fundamental difference between the recommendations of the Public Services Commission, the views of Government as set out in the Government Resolution, and public opinion on the subject. It is, therefore, only meet and proper that Government should appoint a committee to consider the whole question. I do not want to anticipate the findings of the proposed committee on the various points dealt with in the Resolution, but it is necessary that I should place certain facts before Your Lordship's Government with reference to them. Various have been the suggestions as regards recruitment, probation and training of these officers. I find in one of the representations submitted to Your Excellency's Government by some of the members of the Judicial Service that they consider that the age-limit of 30 years fixed by the Public Services Commission is high, whereas they not only approve of the proposal of Your Excellency's Government that the age-limit should be 27, but generally appreciate it. They consider that the present system of enrolling a candidate before he completes the age of 27 and providing him for the first time with an officiating appointment before he completes the age of 29 has given rise to serious discontent by making the candidates wait for an unnecessarily long time. It is justly urged that a candidate who is appointed to officiate for the first time can never be appointed even substantive *pro tempore* before the expiry of about four years, and another year or two years has to pass before he expects to be appointed in the service. Whereas there is difference of opinion as regards age-limit and period of probation, all are of opinion that the members of the service ought to be recruited from the bar. Speaking for myself, I think some experience at the bar, some practical knowledge, should be an undoubted condition for appointments in the Judicial Service. It makes one better fitted for judicial work as it gives him an insight into the ways of the litigant public even without attaining much practice. This is the rule everywhere and we do not know why here there should be a deviation from the rule. The creation of a grade of probationers is of doubtful utility. It is unfortunate that the Resolution of the 20th November last starts with the assumption that the Provincial Judicial Service was formed to fill charges of minor responsibility in the civil judicial administration of the province. If the work of a service is to be measured by the pay attached to it, then we admit that the work of the Provincial Service is of minor importance. If, however, the work of a service is to be measured by the real work done by that service then I need hardly say that the Provincial Judicial Service is one of the most important services under the British Crown. These honest, hardworking and conscientious servants of Government are not at all very costly to Government. I have said more than once in this Council that these officers of Government have actually been minting money for Government in the remotest parts of the country and bringing home to the rich and the poor alike the idea of British justice. The usefulness of their work has been testified to not only by Government but by the highest tribunals, both here and by the Judicial Committee of the Privy Council in England. Mr. Justice Prinsep who, as a Judge of the High Court, was in charge of the Provincial Judicial Service in Bengal for a larger number of years than any other member of the Indian Civil Service, said that 'in education, in intelligence, in devotion to the public service I venture to state that the officers of the Bengal Judicial Service are not surpassed by those of any other department under the Government'.

Let me quote here the words of Sir Leslie Miller (a former Judge of Madras High Court) who at the Law Dinner in 1913 said of the Provincial Judicial Service in this country generally: 'Those who sit on the Bench in the mufassal, whom I specially ask your remembrance and good wishes, those who toil long hours recording interminable depositions in an atmosphere of perjury, fraud, amidst chicanery, striving against uncongenial surroundings. They work against time to get through the work and are striving hard to

*Resolutions.**Babu Surendra Nath Ray.*

preserve the purity, integrity and righteousness of the judicial administration in this country, being in places where they can find no decent accommodation, often in places where there is no congenial companionship for their so-called leisure hours. Those are the men to whom our sympathy should go. Most of them are drawn from your great profession, and I ask you to pity the poor Munsifs and Sub-Judges. People talk of the independence and fearlessness of the Judges of the High Court. When you come to think of it, what have they got to be afraid of? Their position is too secure to be assailed. They have a strong body of colleagues to support them. Far different is the case of the District Munsifs who, far away from their houses and friends, have to administer justice at places often split up by factious cliques. If, under these circumstances some have succeeded in their endeavour to maintain their independence, all honour is due to them.'

The Public Services Commission was appointed to consider among others how far Indians, if properly qualified, should be admitted in substantial numbers and on terms of equality with Europeans to the higher as well as to the lower branches of the administration. It would, however, appear that the Commission have overlooked the very just claims of the Subordinate Judges, as they have not made any recommendations for the increase of their maximum salary or the initial pay of the District Judges recruited from them. It will be found that in case of acceptance of the recommendations of the Commission in full, the prospects of officers who are already in the service, specially Sub-Judges, are likely to become even worse than at present. Under the present arrangements a Sub-Judge of the third grade can well expect to reach the second grade, i.e., the grade of Rs. 800, within three years and the first grade of Rs. 1,000 within the next two years, but if the suggested modifications be adopted they can never expect to do so within the above periods.

I shall now say a few words about the pay of the Munsifs. It is urged by them as well as on their behalf that the initial pay, I mean their pay during the probationary period, should be Rs. 200 as recommended by the Commission, and not Rs. 175, and that when they are confirmed in their appointment they should get Rs. 300. We know that education has made rapid progress in the country and that qualified men are being turned out by the University every year by hundreds, and that we can get good men for a low salary. But we forget one thing. When you place one in a position of trust and responsibility, you ought to give him sufficient remuneration, so that he may be above temptation. This ought to be borne in mind by Government in making appointments. This is also the principle which has in a manner been recommended by the Public Services Commission. We find in the report: 'The only safe criterion is that Government should pay so much and so much only to their employes as is necessary to obtain recruits of the right stamp and to maintain them in such a degree of comfort and dignity as will shield them from temptation and keep them efficient for the term of their service.' The triennial increment of Rs. 40 to the pay of Munsifs is generally approved. The recommendation, however, of having a selection grade from Rs. 460 is one which has not been favourably received. The members of the Judicial Service have hitherto got promotion from a Munsifship to a Sub-Judgeship as a matter of course, except in rare instances, i.e., there was very little supersession. For this reason there has been very little discontent or heart-burning among them, and the civil administration of the province, which is practically in their hands, has suffered very little. But the proposal to have a selection grade or to put any bar to the Munsifs getting promoted as Sub-Judges will produce great discontent in the service. This is a matter to be taken seriously into consideration.

*Resolutions.**Babu Surendra Nath Ray.*

It is also urged that the increment of Rs. 40 in the case of Sub-Judges is too small and in the ordinary course a Sub-Judge will not be able to rise to the grade of Rs. 1,000, but will have to rest content on Rs. 800, and their pension will be seriously affected. It is pointed out in this connection that the number of Subordinate Judges in Bihar and Oriassa being greater than that in Bengal, many of them have risen to the grade of Sub-Judges drawing pay of Rs. 600 to Rs. 800, whereas their seniors in service in Bengal are still in the grade of Munsifs drawing Rs. 300 or Rs. 400 a month. The members of the Judicial Service also pray that there should be a grade of Rs. 1,200 and that they should be allowed to serve till the age of 57.

With reference to the listed appointments, *i.e.*, the post of District Judges, I should like to say a few words. It is proposed that four District Judgeships should be recruited from the Provincial Judicial Service instead of six District Judgeships as at present, and that four District Judgeships should be recruited from the bar. This would be if the recommendation of the Reform scheme be given effect to, *i.e.*, 33 per cent. of these appointments should be divided between the bar and the service, and gradually, within the next ten years, 50 per cent. of the District Judgeships should be divided between them.

It is however suggested that no harm would be done if 50 per cent. of the District Judgeships be thrown open to the members of the Provincial Service and the bar, at least it would be rather disheartening if the members of the Provincial Judicial Service who had been anxiously expecting betterment of their prospects were to be told that two of the prize appointments to which they could hitherto aspire and which they had hitherto held would be taken away from them.

The Public Services Commission or the Government Resolution might say that the work of the members of the Provincial Judicial Service is of minor importance, but as a matter of fact the entire civil litigation of the province, except that of Calcutta proper, is practically disposed of by this branch of the service, as well as some work of minor importance which used to be done hitherto by District Judges. The Subordinate Judges, like the District Judges, exercise unlimited jurisdiction in the original civil cases and co-ordinate appellate jurisdiction in respect of cases tried by Munsifs. They practically do the same work as Judges sitting on the Original Side of the High Court, except Admiralty and Ecclesiastical cases. They have to try a very large portion of the most intricate civil cases. Their work is known to the public and appreciated by the public, and compares favourably with that of the District Judges who are recruited from the Indian Civil Service and who generally draw three times the salary of these Subordinate Judges. A tabular statement was submitted by Mr. A. H. Cumming, one of the most experienced of the District Judges, to the Public Services Commission in the course of his evidence with a view to show how the work of the District Judges compared with that of the Subordinate Judges. We find therein that between the years 1907-1911, 74 per cent. of the appeals preferred against the decisions of the District Judges were affirmed by the High Court whereas during the said period 83 per cent. of the appeals against the decisions of the Sub-Judges were confirmed. Again, during the said period, 68 per cent. of the miscellaneous appeals against the decisions of District Judges were affirmed by the High Court, whereas 73 per cent. of those of Sub-Judges were affirmed. This will be found in page 576 of Part III of the Report of the Public Services Commission. It will thus be seen that the quality of the judicial work of a Sub-Judge does not compare unfavourably with that of a District Judge. I need hardly say that the greater and most important portion of the civil work of the province is in the hands of the Sub-Judges.

*Resolutions.**Babu Ambika Charan Mazumdar.*

Much is made of the administrative work of a District Judge. But may I ask, what does it consist of? It consists of inspection by him of the Subordinate Civil Courts, viz., the court of a Munsif for a day or two in the course of one or two years, to appoint clerks or to give them promotion or to send confidential notes about the work of the subordinate judiciary. We think all this work to be of minor importance compared with the judicial work of a Sub-Judge. There is another fact which ought to be taken into consideration in this connection. When we consider that the Judges of the Calcutta Small Cause Court, most of whom are considerably inferior to most of the Sub-Judges, and we also take consideration that these Judges of the Small Cause Court begin with Rs. 1,000 as initial pay rising to Rs. 2,500, whereas the Sub-Judges end their service on a pay of Rs. 1,000, one really is surprised at the immense difference. And the surprise is enhanced when there has been recommendation in the increase of pay and prospects of members of all other departments of Government but there has been nothing as regards those of the members of the Provincial Judicial Service. There is recommendation for some increase in the pay of even District Judges in spite of their getting exchange compensation allowance and the creation of a separate grade of District Judges drawing a salary of Rs. 3,000.

We are not in possession of the letter of the Hon'ble High Court dated the 23rd March 1918.

As regards the pension and leave of these officers, I think the proposed Committee might take the same into consideration along with other questions.

My Lord, I hold no brief for the members of the Provincial Judicial Service. It is also not quite correct to suppose that the members of the Provincial Judicial Service and the non-official members of this Council have been clamouring along with them for an increase in the initial pay of the members of the Provincial Judicial Service because Government have increased the initial pay of the members of the Provincial Executive Service. This is unfortunately a wrong assumption on the part of Government. The public consider that the members of the Provincial Executive, being more in touch with Government, their claims find a ready hearing from Government. Whatever may be the case, members of both the services are hard-worked people and they have raised the tone of the administration. Members of the Provincial Judicial Service legitimately pray that their claims may be taken into sympathetic consideration now that the question has come to a head and the whole question regarding the Provincial Judicial Service is before Your Lordship's Government. In taking their claims into consideration the Government will be doing what is but right to a body of men whose meritorious services in the administration of the Government is a matter of just satisfaction to the public and also benefit to the country."

The Hon'ble **Babu Ambika Charan Mazumdar** said :—

"My Lord, I do not wish to give merely a silent vote on this important resolution. The question of the reorganization of the Provincial Judicial Service has been pressed on the attention of Government for several years past, and the Report of the Public Services Commission, published in January 1917, has brought the question to a head, and emphasises the necessity of solving the question without further delay. I most heartily thank the Government for having taken up this important question first of all, and that separately and independently. But, My Lord, it is a common saying that while the grass grows the sheep starves. It is to be regretted that while many of the kindred services, such as those of the Assistant

*Resolutions.**Babu A. C. Mozumdar.*

Surgeons, Civil Medical Officers, Provincial Engineers, Deputy Superintendents of Police and the Provincial Executive Service have been in the meantime occasionally provided with pastures now and improved, this old and attenuated service has been left in cold neglect, firmly tethered to the offside of a bleak rock, which neither grows any grass nor affords any shelter from sun and rain. The Resolution of the Government published in November last is a very important document. Although in some respects it falls short of the recommendations of the Public Services Commission, it must be admitted that in other respects it is an improvement upon them.

"My Lord, first of all there is the question of recruitment. I, for one agree with the Public Services Commission in thinking that merit alone ought to be the test of appointment in the service and that in considering the claims of candidates the results of the Law Examination should be taken into consideration. Then, my Lord, there is the next question raised by the Resolution of the Government about the probationary Munsifs. My hon'ble friend, the mover of this resolution, has preferred to adhere to the old system, or rather the existing system, of officiating appointments. But here, with due deference, I would differ from him. I consider the proposal of Government to create a probationary service to be a decided improvement upon the existing system. The rule about three years' practice at a bar is a mere delusion. I know from my experience that, as soon as a candidate enrolled in the High Court for an appointment in the Judicial Service succeeds in securing his very first officiating appointment, he begins to sell off his law books. Knowing as he does that he has hooked the fish he knows that he has simply to wait in patience. The interval between two such officiating appointments is utilised not in studying either the law or the procedure, but in following the steps of permanent officers in a station, learning how they move, how they snub the members of the bar, and so forth, and last but not the least, how to adjust their neck-ties.

"My Lord, I do think that the probationary period would be a great improvement; but how are they to be trained, that is the question? I think, Sir, that when a candidate gets a probationary appointment he ought to be attached to a District Court, but the proper ground for his training should not be simply the District Court, but the courts of Sub-Judges and also of Munsifs at the headquarters station. There they ought to learn how to frame issues, how to record evidence and also to study the circulars of the High Court. There is another important matter which ought to receive their attention and it is this: I have found that many Munsifs are perfectly helpless in the hands of the Civil Court Commissioners; an elementary knowledge of surveying—at all events a knowledge sufficient to detect the mistakes—and the ordinary rules of survey ought to be acquired by the Munsifs during this probationary period, while they are attached to the Courts of District Judges and the District Judges might depute them to watch the proceedings of one or two Civil Court Commissioners' proceedings, so that they might easily have an insight into the matter; not that they should be very efficient in drawing maps or calculating distances, but there are certain primary rules in surveying by which a Judge can detect whether the work done by a Civil Court Commissioner is accurate or liable to be questioned. This training should be given to them in the probationary period. But, my Lord, I have certain modifications to suggest to the Resolution published by Government under this head.

"Two years have been provided for this probationary period. I should think that this period should be divided into two stages—the first year of probation should be just as I have already indicated by attaching the probationer to a court of District Judge and by him deputed to a court of

*Resolutions.**Babu A. C. Mazumdar.*

Sub-Judge or Munsif just to learn his elementary business. In the second year of probation, he should be entrusted with light and simple judicial work, viz., say, trial of rent-suits, of bond suits and of simple possessory suits under section 9 of the Specific Relief Act; and then when he is confirmed in the third year he should be a full-fledged Munsif dealing with all questions and cases.

"Two years' time for a probationer would be, I think, a serious loss of public time and which I do not think would be quite necessary for the purpose of training an intelligent young man who has passed the B.L. degree examination to acquire the simple knowledge of how to frame issues, of how to take evidence, or how to test the map of an amin and so forth.

"Now, my Lord, the Resolution proposes to give Rs. 175 per month to these probationary Munsifs. This has caused great excitement among the officers of the service. I understand your Excellency's Government has received a representation from some of the judicial officers in which they urge that now that their officiating appointment carries a pay of Rs. 200 they ought not to get Rs. 175 to begin with as a probationer: that is their argument, and it is contended by them that it is a financial loss to them. My Lord, I have pointed out to some of them that as far as financial loss or gain is concerned, they are perfectly mistaken. An officiating Munsif gets a permanent appointment in about two or two-and-half years, and I take it that the most fortunate man gets it in two years, but what is the time during which he is so employed? The most fortunate man amongst them gets it for twelve months and some get it only for six months in two years. The rest of the time they idle away, as I have already described, in watching the movements of permanent officers and in associating with them. If they earn Rs. 200 in twelve months out of two years they get only Rs. 2,400, but my Lord, if, as probationers, they get every month Rs. 175 then in two years they would get a sum which is very much in excess of their officiating earnings. In fact, your Excellency will see the figures will be reversed almost—in place of Rs. 2,400 they will get Rs. 4,200. So the question of loss or gain is not the question here—in fact there the memorialists are mistaken. But there is another question, which has been put forward by my hon'ble friend who has moved this resolution, that these officers should be kept out of temptation and that they should be allowed to lead a decent life. That is very important. I would, therefore, suggest that, while I am not prepared to say that Rs. 175 would be a very bad pay to begin with as a probationer, the first year of probation may carry only Rs. 175, but in the second year of probation when I propose the Munsifs should be placed in charge of some judicial work—though of a minor character, namely, the trial of rent suits, bond suits, possessory suits and so forth—they ought to be given Rs. 200. I believe this will remove much of the discontent which now prevails among the members of the service.

"Then, of course, there is the next question—when they become permanent it is proposed to give them Rs. 300. That is quite good. But, my Lord, the proposal to give them an increment of Rs. 40 in three years is open to some objection. No doubt the present system of giving increments in a haphazard fashion cannot be justified, and the incremental system on a time limit proposed by Government is certainly an improvement; but I would suggest that instead of giving them Rs. 40 in three years, the system should be modified in this way, that is to say, that after the first year as a probationer carrying Rs. 175, second year Rs. 200, and in the third year, when he is made permanent and placed in the fifth grade, his pay becomes Rs. 300 and after that give them an annual increment of Rs. 20. It will have a very important advantage—it will keep them contented and at the same time it will save much time. Your Excellency will permit me here to give an outline of the present position of the service.

*Resolutions.**Mr. Aminur Rahman.*

"An officiating Munsif on Rs. 200 has to serve two years at least to become permanent—I say 'at least' because they generally take two and half years or even three years—however I take it as two years. Then having entered the service at the age of 27, they attain the age of 29 when they become permanent. Now let us see what time they take in getting to the top Munsifship. Government is aware that there are five grades, the 5th or the lowest grade being Rs. 200, then the 4th grade Rs. 250, the 3rd grade Rs. 300, the 2nd grade Rs. 400 and the 1st grade Rs. 500. Now in reaching the 4th grade from the 5th grade one has to pass two and half years."

[At this stage, the Hon'ble Member, having reached the time-limit, had to conclude his remarks.]

The Hon'ble Mr. Aminur Rahman said :—

"My Lord, in simple justice to the members of this branch of the Provincial Service, the public have at last taken up the question of their position and the conditions of the service. This branch of the public services is quite as important as any other branch so far as the maintenance of peace and prosperity of the country is concerned. I do not wish to enumerate, in supporting this resolution, the grievances that have been brought forward by the Munsifs and the Sub-Judges in their representations to the Government. But I wish to take up a few salient points in these representations and they seem to me to be three: the first is that they complain of low salary; the second is slow promotion; and the third is hard work. Considering the responsibilities attached to the office, the value of the services rendered by them and of the volume of work done by them, I must confess that the emoluments are far too small as compared with the emoluments drawn by members in other branches of the public services who do much less important work and get much more salary before they are constantly before the public eye. Members of their branch of the service do not get the consideration that they deserve, because they are a toiling lot; and the public and the Government think it fit to neglect them. The question of appointment is also a very important one. The question of recruitment from the lower branch to the higher branch is another point to be considered. In all these things there are always two points of view. One is that appointments and promotions should be made on the basis of seniority; and the other is that it should be made on a consideration of the merits of the officials. There, again, we find that there is a difference of opinion amongst the members of the services themselves. The men who are young and therefore new in the service naturally stand up for merit; the men who are old and have been long in the service naturally advocate the other view; but it is difficult sometimes to judge what should be the standard of variation, and how should merit be judged. It has often been said by members of the service that merit is simply judged on a consideration of the volume of work done. Now, that probably seems very sound, but on examination of the question it is seen that the volume of work, although it may be large, sometimes may be quite good; and I have often heard Munsifs to say that amongst them the man who can clear up the arrears of work very often gets promotion. In the case of a man who clears up arrears of work the kind of work that is done by him has to be kept in view. A man who clears up arrears of work generally goes through it hurriedly, and they do not receive the consideration that they deserve. Not only the volume of work but the value of work ought to be considered. Now, there we find that there is a clear difference of opinion; but I think that if we keep the efficiency of the service in view, it ought not to be difficult for a Committee to find out what should be the basis of promotion and appointment; for that reason I very strongly support the resolution.

*Resolutions.**Sir Deba Prasad Sarbadhikari.*

"As regards hard work there is much to be said on behalf of the members of the service. They ungrudgingly do their work; they have a feeling that the public and the Government do not care so much for them and they are quite reconciled to their lot. I have seen Munsifs sitting up to 8 o'clock at night, doing their work; and I have known of districts where a single Munsif is discharging the duties of his office ungrudgingly and laboriously. He has to deal with the files left by his predecessor or predecessors; sometimes he has got to do the work of three men—probably two of them have gone on leave—but he finds that when he makes representations to the District Judge, his case is not very favourably considered. As a rule, these Munsifs have far more work to do than men in other departments of the public services. The amount of work that they have to do in a single case is simply enormous.

"I repeat again that, considering the value of their services and the volume of work done by them, in all justice we ought to take up the question of improving the conditions of the service seriously, and I welcome the resolution put forward by the hon'ble mover."

The Hon'ble Sir Deba Prasad Sarbadhikari said :—

"My Lord, I am sorry to have to strike a note of discord. I am afraid I do not clearly understand what is before the Council at the present moment judging by the speeches in support of the motion. With regard to the reality of the grievances of the Munsifs there can be no question, and when I strike this note of discord I do so in the confident belief that I shall not be misjudged by the Council or by those in whose interest this motion has been moved. Ever since I have been a member of this Council—and that is now many years. I have been almost year after year bringing up the question of improving the service till the younger hands have taken it up. We have had a narration of their grievances which is not new to the Council or to the Government. The question is now one entirely of ways and means. Though I am not fully convinced of the beneficent intentions of the hon'ble mover of the motion towards the members of the service I should think that this was a move for putting off the evil day as long as possible. What good a committee like this has now to do. Well, my Lord, I have some experience of committees elsewhere. Although many resolutions have been moved in this Council we have not had any committee. In connection, however, with the Public Services Commission's Report itself we had one committee referred to by Sir Henry Wheeler—that is with regard to the Educational Service. Some of my colleagues here in this Council were members of this committee—I think the Hon'ble Mr. Wordsworth and two other hon'ble members along with myself were on this committee. We had a lot of sittings, very elaborate resolutions were moved in due form, giving satisfaction to none. That would be the fate of another committee that you might appoint with regard to this very important branch of the public service. The thing now is to go ahead and the best possible way is now open to us. It is not the Council will have the last word on the subject. Full materials will have to be placed before the proper authorities and there is no lack of materials. The necessity is at present for some definite and decisive action. A schema that may be evolved may not be perfect, but the thing is to get ahead and do something and I am afraid that the committee will not achieve that object.

"If, on the contrary, my Lord, all the materials and many of the suggestions that are advocated by different public bodies who were consulted with regard to this important question be acted upon and a definite scheme placed before the proper authorities with the request that action be taken as soon as possible, it would be doing much better service to the Subordinate Judges

*Resolutions**Rai Debender Chunder Ghose Bahadur.*

and Munsifs than by having a committee which would merely delay matters. I do not complain—on the other hand I am glad that the Executive Service has received a treatment that they have well earned as they are a very important branch of the public service, even if less fortunate Munsifs and Subordinate Judges have not had the treatment that was merely promised them not long ago. Then came the recommendations of the Public Services Commission. Public opinion has been collected on them, and Government is, I am sure, ready to go into the matter and do the best that can be done with the materials placed before it. Now to ask for a committee would mean further delaying matters, and would not help the interests of the services which we have so much at heart. Much detail has been gone into; probably they have not yet appointed a proper body to go into it. I do not propose to refer to them. If, however, it is necessary for this Council to go into some of the details, the best and the quickest way of getting the thing done would be by following the course that the Hon'ble Sir Henry Wheeler suggested when speaking in connection with the earlier resolution. The Resolution of the Government is now before the public in some shape, and it is open to any of us to bring forward substantive resolutions before this Council and make recommendation in that form for the consideration of the Council, and then bringing up the report of that committee for consideration. There is nothing to prevent our embodying in the form of resolutions many valuable suggestions that have been made in the course of this debate, and the sense of the Council can be taken and it will assist the Government better than the appointment of a committee and then finding that the committee has pleased neither the Government nor the public. It strikes me that no useful purpose will be served by appointing such a committee, but I would appeal to your Excellency's Government to expedite the matter which is now before them".

The Hon'ble Rai Debender Chunder Ghose Bahadur said :—

"My lord, I do not know how far the Committee suggested by my hon'ble friend Babu Surendra Nath Ray will be helpful in this matter. I quite appreciate the observations of the last speaker, the Hon'ble Sir Deba Prasad Sarbadhikari. Committees have their uses and committees have their abuses also. They make delays and that is one reason why if I support the Hon'ble Babu Surendra Nath Ray's resolution, I do so with considerable hesitation. I wish to speak a few words as regards Subordinate Judges and their pay, because from certain remarks in a Resolution of the Government of November last, and certain answers given by the Hon'ble Mr. Duval, the Judicial Secretary to the Government, to certain questions put by one of the hon'ble members in this Council, some weeks ago, it appears that the considered opinion of the Government as regards the discharge of their duties by the Subordinate Judges is based upon certain words in the report of the Public Services Commission, and they tend to put a lower value on the work of the Subordinate Judges than they are justly entitled to. When I venture to criticise the view of the Government and of the Hon'ble Mr. Duval and of the remarks of the Public Services Commission, it may be said that I am venturing too much, that I probably am not in a position to say that these remarks are unjust and that it is a great presumption on my part to do so. Well, my Lord, it may be presumption on my part, but I cannot avoid saying what I know, and what I have a right to feel. I have some little experience of the working of these courts; I have been unconnected with them for the last ten years, and I am in a detached position, but I can say what I know of the work of the Subordinate Judges extending over a period of 38 years, from 1871 to 1909. All this time I have not been a silent spectator of the performance in their courts. I can also speak of the work of the District Judges, so that I do not speak with a prejudiced mind, and am in a fair position to express my

*Resolutions.**Rai Debender Chunder Ghose Bahadur.*

mind on the nature and responsibilities of the work of District and Subordinate Judges. I have nothing to say as regards the responsibilities of the District Judges—they are very great and very heavy, but I was certainly not prepared to hear a few weeks ago in this Council from the Hon'ble Mr. Duval who has been on the Bench for the past eight years, as a Judge, a District Judge and sometimes as Additional Judge, and who must be presumed to have as good knowledge and experience in these matters, to express an opinion as I have, and from whom a better appreciation of the work of the Subordinate Judges was expected. The Hon'ble Mr. Duval qualified his statement by saying that that was the view taken by the Public Services Commission, and that he put forward that view, and that was the view also taken by the Government in their Resolution. The Government Resolution of November last speaks of Subordinate Judges as officers holding charges of minor responsibility in the sphere of judicial administration. It is felt by this class of officers that this is a remark which is adding insult to injury—I am quoting the words used before me by two of them, and I quite sympathise with their feelings. You may or may not increase their salaries or increase their prospects, but why depreciate the value of their work in this way. That is their complaint, and I think if your Lordship were to know the exact nature of the work that they have to do, your Lordship would no doubt feel that the observations made in the Resolution ought to be modified. I will not go into details in this matter, because there have been communications made to the Government and also, I believe, in the speeches of the previous speakers it has been pointed out that the work of the Subordinate Judges is certainly as heavy as in any other court, and the Hon'ble Bābu Surendra Nath Ray has said that their work is the same as in the original side of the Calcutta High Court, barring the Ecclesiastical jurisdiction. In the mofussil there are less commercial cases than in the Calcutta High Court, and that makes a pretty good difference, but as regards suits involving the rights to properties, there is no difference; there can be no distinction between the work in the original side of the Calcutta High Court and the work in the Court of the Subordinate Judge. The suits relating to rights of property are by their very nature more complicated and require more skilful handling, and consideration than in the trial of suits of a different nature, and I may say that suits of this kind are always tried, with rare exception, by the Subordinate Judge and not by the District Judge. The District Judge has his hands too full; he has to attend to the criminal business of the district; he has to attend to administrative matters, and he has to attend to appeals from Munsifs as well as appeals from the judgment of the Subordinate Judge, to a very limited extent, that is, up to the value of Rs. 5,000, and it would dislocate all his arrangements if he were to take up an original suit, the trial of which would last a month or so, or say even two weeks or 10 days, because in that case he would not be able to attend to other important business like this. Whatever be the reason, the fact is that all suits relating to rights to property are decided by the Subordinate Judge; and it is not unusual, it is a very common thing, for suits involving half a crore of rupees or 10 or 20 lakhs being tried in the court of the Subordinate Judge, lasting a month or sometimes a month and-a-half or two months, while the work of the District Judge in the cases tried before him, whether original or appeal, would not take time anything like that. I do not mean to suggest that the bigger Judge should take the heavier case, and should be weighted with the heavy responsibility of trying all these important suits. I think the arrangement which exists now is the best; that is, the District Judge takes cases which do not last a long time, or cases disposed of in a day or two, or the trial of which does not last more than 2 or 3 days, or 2 or 3 hours; it is good for the judicial administration of the country. What I have always regretted is that Government do not always give the requisite

*Resolutions.**Rai Mahendra Chandra Mitra Bahadur ; Maulvi Fazl-ul-Haq.*

training to the Judge of the Civil Service before he takes his seat on the district bench. If he were made to preside in the Subordinate Judge's Court for a year or two, it would give the requisite training which he needs before taking his seat first on the district bench. However, that is a matter which is not relevant to the present case, and if I am right in my observations, then there was no occasion for saying in the resolution of the Government that the Subordinate Judges hold charges of minor responsibility in the sphere of administration. As regards the report of the Public Services Commission upon which these observations are based, I have to point out that there was a Judge, an eminent Judge of the Madras High Court, on that Commission; he was a Bengal barrister and probably it is said that the observation coming from a Commission composed amongst others of a person in such a situation....."

[The Hon'ble Member having exceeded his time-limit had to resume his seat.]

The Hon'ble Rai Mahendra Chandra Mitra Bahadur said :—

"My lord, I desire to speak a few words on this subject. The resolution, as far as I understand, is for the appointment of a commission of inquiry, and the question is whether such an appointment would advance the discussions which have been embodied in the speech of the hon'ble mover of the resolution. If a committee be appointed all the points raised may be successful. The starting pay of the munsifs is only Rs. 175. The increase in their pay as well as in the pay of the subordinate judges may be usefully discussed in that committee. And so I thought that I would support the resolution. But, my lord, on listening to the speech of the Hon'ble Sir Deba Prasad Sarbadhikari I think that it will be no use now to have a committee because the matter rests entirely with the Government. It is a matter of gratification to us, my lord, that your Excellency's Government have taken up the subject. It is necessary for your Excellency's Government to listen to the discussion which has been going on for a very long time. On this question representations have been made to your Excellency's Government in this matter by the subordinate judges and their representations should be listened to by Government. It would be doubted perhaps that these subordinate judges with whom I have come in close contact for many years are very useful officers, but I can say that they are very hard-working and conscientious. My lord, the claims of these subordinate judges and munsifs ought to be recognised more fully. I respectfully differ from the views of my hon'ble friend Babu Ambika Charan Mazumdar that the munsifs should get probationary work at the first instance. My view is that these munsifs should be trained at the bar; mere attendance at the District Judge's court will not give them sufficient experience and training. If they have to work with lawyers and pleaders they will get better training than they would get by merely attending the District Judge's court. I need not dilate upon this point any more. I feel that the subordinate judges should be treated in the way they deserve. The question, however, is one for the Government, and it is for Government to consider whether they consider suggestions put forward in the resolution."

The Hon'ble Maulvi Fazl-ul-Haq said :—

"My lord, several hon'ble members have already spoken on this resolution and I have listened to a fairly lengthy debate, but I feel that most of the observations that have already been made are somewhat irrelevant to the real point under issue. I thought several times of rising to a point of order when hon'ble members were discussing the merits of a particular scheme for the purpose of reform, but I did not

*Resolutions.**Mauvi Fazl-ul-Haq.*

wish to stop that flow of eloquence with which this Council has been flooded for the last one hour and-a-half. The simple problem before the House is the recommendation that has been made in the resolution that a committee be appointed for certain purposes to advise Government about a matter regarding which we all desire that some steps ought to be taken and as to which the only difference is one of ways and means. If there are hon'ble members who are in favour of the appointment of a committee it is for them to rise and point out the reasons which in their opinion speak in favour of the advisability of the appointment of a committee. I am one of those who think that under the present circumstances the appointment of a committee is desirable, and I will briefly indicate my reasons for so thinking. I agree with the Hon'ble Sir Doba Prasad Sarbadhikari that committees are of very little practical value in solving problems of this character, but in this particular case I feel that a committee might be useful because we have already got a large mass of opinion that has been collected and the sole work for the committee would be to take into the consideration the opinion that has been elicited and to presenting all such opinion before Government with a view to work out a practicable scheme. That need not take very long and there is one particular reason which I think can weigh with Government in the matter of the appointment of the committee. I wish very humbly and respectfully to give a piece of advice to the official member who is going to speak on this resolution on behalf of Government which he may take for all it is worth. There is a well-known proverb—if you want to catch a thief set a thief after him. Whenever there is any agitation over a public question I think the best way in which the Government can act is to call upon some of the agitators to work out the very problem which gave rise to the agitation. If they succeed in working out a practicable scheme, Government can always accept it and get credit for it. If they fail, Government has only to hold the fact before the public for their satisfaction. My lord, in this particular case a committee may be appointed consisting of some of the non-official members of this Council to consider the question and they may be asked to work out a scheme for the solution of the problems which we have been discussing in this very Council for several years. It would be a simple matter so far as the committee is concerned, to go into the discussion of this problem—and there are various points of view from which this question has been discussed—and I believe that if no workable or satisfactory scheme can be suggested the fault will hardly lie with the Government. My lord, before I conclude, there is one passage in the Government resolution to which reference has already been made and to which also I wish to refer very briefly—I mean the passage referring to the nature of the work done by subordinate judges as being of a somewhat minor nature and I wish to join my voice with that of my hon'ble friend Rai Debender Chunder Ghosh Bahadur in entering a respectful, though emphatic, protest against any suggestion of this character. Subordinate judges have, we all know, not only to work very hard but the nature of their duties is hardly of a less responsible character than even, if I may be permitted to say so, those performed by High Court Judges. On the Original Side of the High Court the work that the Hon'ble Judges do is practically of the same character which subordinate judges have to do in the mufassal, with only this difference that the subordinate judges have not got the advantage of being assisted by trained lawyers of calibre and mentality which we find in the High Court, not to speak of other disadvantages under which the mufassal judges labour in the discharge of their duties.

My lord, instances are not uncommon in which cases have gone up on appeal to the Privy Council and in which the judgments of the High Court have been reversed and the judgments of subordinate judges have been

*Resolutions.**Sir Henry Wheeler.*

restored. In view of these facts, it is hardly fair to this branch of the public service to say that they perform duties of minor importance. I say this because I have heard a complaint from subordinate judges that the proposal made by the Government in the resolution in the matter of their increment and pay is not only unsatisfactory but absolutely disadvantageous. Even compared with the present conditions I do hope that if your Excellency consents to accept this resolution and appoints a committee, these matters will be taken into consideration by that committee. The Hon'ble Sir Deba Prasad Sarbadhikari in discussing the futility generally of the labours of committees referred to the Education Committee that was appointed by Government. Sometime ago I had the privilege of being a member of that committee and I know the extreme difficulties under which the members of that committee had to work in co-ordinating opinions, sometimes widely divergent, in order to find out some solution which would be satisfactory from all points of view. But in this particular case, as I have submitted, the difficulties are not of the character which faced us in connection with our work in the Education Committee. There, one of the most important difficulties and one of the most thorny problems that we had to solve was as regards the feeling which we find very persistent regarding the differentiation between the Provincial and Indian Educational Services. No such consideration arises with reference to the consideration of the problems relating to the improvement of the pay and prospects of the members of the Judicial Service. I think that a committee appointed for the purpose of carrying out the objects mentioned in this resolution will not have much difficult work to do. In this view of the matter, my lord, I think that a committee will be useful and I therefore beg to support this resolution."

The Hon'ble Sir Henry Wheeler said :—

"My Lord, the position of the Local Government in this matter is, in the main, that which has been very clearly argued by the Hon'ble Sir Deba Prasad Sarbadhikari, and to that extent his speech has anticipated my remarks. In the speeches that we have heard to-day, we have been told a great deal about what may be called the service grievances of sub-judges and munsifs, but we have probably heard little that was not represented before the Public Services Commission, and little that is not already contained in the answers which we received to our resolution of the 19th November last. To that extent the debate, which has lasted some time to-day, has not added much to the facts which are represented on the side of the subordinate judicial service, and I do not propose now to argue these grievances on their merits except—if I may be permitted to make a digression—to notice one point which seems to me it might be useful to lay at rest. With so many other causes for difference of opinion, it does seem to me a pity that the time of this Council should be wasted in arguments which are really based on a misapprehension. In our resolution of the 19th November, we said that the Provincial Judicial Service was formed to fill charges of minor responsibilities in the civil judicial administration of the province. We subsequently explained what we meant by that in answer to a question; but still we are told to-day that the remark has added insult to injury. By way of an illustration which may explain matters, may I put the simple proposition—if I may be permitted to do so without offence—that the position of a Governor of a province is one of minor responsibility to that of the Viceroy. I hope Your Excellency will not think that by that remark I have added insult to injury. It is obvious that the position of a Governor of a province is one that calls for ability, character and energy in the highest degree; yet, as a statement of fact, the one I have made, I submit, is correct. On precisely the same lines, as compared with District Judges and High Court Judges, we said that munsifs and sub-judges occupy a position of

*Resolutions.**Sir Henry Wheeler.*

minor responsibility, but no one infers that the performance of their duties does not require capacity, integrity and judgment. Surely the remarks of the resolution cannot reasonably be construed as insulting. I apologise, my Lord, for this digression, but it may possibly save time hereafter. I will now turn to the resolution itself.

"As I have already said, most of the speeches we have heard deal with service grievances. The resolution itself asks us that we should remit certain papers for the consideration of a committee. My objection to that, put briefly, is that it is impossible to conduct administration by unending committees. In connection with the previous resolution, I have tried to explain what the position in these matters is, namely, that the question being beyond the powers of the provincial Government, we must refer it to the Government of India, which, in their turn, will probably have to refer it to the Secretary of State, and whether we have another committee or not, this Government will, on such materials as are before them, and aided by such intelligence as Providence has given them, have at some time to make recommendations to the Government of India. Under these circumstances, I submit that all this Government can be expected to do is to base their recommendations on a fair and open enquiry in the course of which all those interested may be heard. In this particular instance, we have already had various debates in this Council; but, apart from those, we have had a fair and open enquiry by the Public Services Commission—a Commission which was representative not only of Bengal but the whole of India, and composed of men—I hesitate to say—of higher calibre—but possibly of more widely recognised standing than anybody likely to be taken from Bengal alone. They toured throughout India and they made their recommendations. However, we did not even act upon them: in our desire to do something for these sub-judges and munsifs we departed from our usual procedure, which is ordinarily that of awaiting reference from the Government of India, and in anticipation of such a letter we addressed the High Court. This was done on the 23rd March 1918, and we received the High Court's reply on the 5th September last. We then put out our resolution of the 19th November, and we got in replies which are now before us. I hold here a list of those who have replied, numbering about 116, and with particular reference to the service grievances, I may point out that we have had about 90 answers from sub-judges and munsifs, and I can assure hon'ble members that they have fully represented their grievances before the Local Government. We have also had replies from a number of pleaders, Bar Library Associations, and public bodies of importance, such as the Indian Association, the Central Muhammadan Association, the National Liberal League, the Bengal National Chamber of Commerce, and the British Indian Association. Therefore, we have received a very large and representative body of opinions in response to our invitation, and it cannot be said that in this matter we have not consulted public opinion. But in all administrative matters there must come a stage at which action succeeds consultation, and although certain of the deliberations of this Council during the last two days would lead us to imagine that, with some of its Members, that is not a very popular doctrine, still I submit that it is reasonable. What we are asked to do now is to refer all these papers again to a committee. What is that Committee to do? Is it to take evidence again and go round recording opinions and prepare a report? Obviously that would take time, and after it was done, we should only have another report of, perhaps, six or eight gentlemen of eminence. We did not even act immediately on the report of the Public Services Commission, and are we to act on this second report without publishing it? Are we to get another 116 opinions and what are we then to do with them? Obviously, the procedure may be unending, and if we adopt it we shall never come to any conclusion at all. Sooner or later we have got to

*Resolutions.**Babu S. N. Ray ; Mr. Irwin.*

come to a decision. We have arrived now at the decision stage. The file is at present lying on my table, though I have not hitherto been able to tackle it, as my time has been fully occupied in preparing for this debate. Otherwise, we would have got our letter out by this time containing our proposals. If, Sir, I wanted to delay any redress to the complaints and grievances of these munsifs and sub-judges, I would accept this resolution. There can be no more effective way of delaying it than to accept the advice which has been given us to-day. I think it was in connection with last year's Budget that my friend, the Hon'ble Mr. Kerr, said that the munsifs had had very hard luck, and that if he had not been speaking with his customary restraint, he would have used somewhat stronger language. What language would be used by these munsifs if, when proposals are on the eve of being submitted to the Government of India, we again refer them to a committee, I hesitate to imagine. As we deprecate further delay, we cannot accept the resolution. On the other hand, by going on with our proposals, we are doing what is the object of all of us, namely, to set right whatever legitimate grievances there may be."

The Hon'ble **Babu Surendra Nath Ray** said :—

"My Lord, after hearing the Hon'ble Sir Henry Wheeler I think it proper to withdraw the resolution."

The resolution was then, by leave of the President, withdrawn.

LIST OF BUSINESS—ITEM No. 16.

The Hon'ble **Mr. H. R. A. Irwin** moved the following resolution :—

"This Council recommends to the Governor in Council that provision be made in the next year's budget for the teaching of hygiene and sanitation by duly qualified teachers in all Government and State-aided schools and colleges throughout the province, thereby giving effect to the resolution on the same subject which was carried at the meeting of this Council held on the 19th February, 1918."

He said :—

"Just a year ago I had the honour of pressing the importance of education in hygiene and sanitation on the notice of Government."

It was opposed on behalf of Government by the Hon'ble Sir S. P., now Lord, Sinha, but nevertheless was carried by a substantial majority of independent members in a fairly full House.

I think, therefore, I am justified in again drawing the attention of Government to such an important subject, which, in the opinion of many influential and expert authorities, better qualified to judge than I, vitally affects the condition and welfare of the teeming millions in this country.

Lord Sinha, in opposing my resolution last year, quoted from a Government of India resolution on hygiene, which, according to the official report, he said, was dated 'the 31st February 1913.'

Time does not allow of my reading this resolution *in extenso*, but it starts by admitting that—'The claims of hygiene are paramount, not only in the interests of the children themselves, though these are all-important, but also as an object-lesson to the rising generation.'

*Resolutions.**Mr. Irwin.*

I would specially emphasise the last sentence : in my humble opinion it will be in the coming generation, when the scholars of to-day become the fathers and mothers of the future, that the effect of simple education in hygienic methods will be made evident.

The Government of India resolution goes on to say that 'want of funds and the apathy of the people have been responsible for the comparatively small attention paid to hygiene.'

My lord, do not the very words 'want of funds' exhibit 'apathy' on the part of Government? For surely, if, as stated "the claims of hygiene are paramount," funds *should* be provided for such a purpose, by curtailing expenditure under some other less important head.

And if Government itself is apathetic, is it likely that 'the people' will be less so?

It is now six years since the date of that resolution : in the meantime what has been done to give effect to its recommendations?

It is true a most influential committee was appointed in this province to inquire into the whole subject and that committee recommended 'that there should be a course of hygiene and sanitation for the four upper classes of high schools,' but there the matter rested, the difficulty being 'the want of duly qualified teachers who are to carry out the teaching of hygiene in the schools ;' but were any steps taken to provide those 'duly qualified teachers'?

Lord Sinha went on to say : 'Therefore with the greatest possible desire to give effect to the general demand for providing a certain amount of teaching of hygiene and sanitary science in the schools, we have not got, first of all, the teachers to do it, and secondly, we have not got the money to train the teachers.'

As regards both these difficulties, my contention is, that it is the duty of Government to provide both teachers and money, and if the second is provided there is no doubt that the first will shortly be forthcoming.

Before quitting the question of the debate on this subject last year, I should like to refer to the remarks which fell from the Hon'ble Mr. Arden-Wood in criticizing my resolution.

He quoted Mr. Jack as saying : 'The Bengali is certainly the cleanest race on earth.'

With due deference, my lord, I think this quotation is misleading. I believe my Bengali friends will agree with me when I say whilst I cordially say, agree that Bengalis, of all classes in *their own persons*, are as clean, if not cleaner than, any race on earth, that the environments of the dwellings of the lower classes in Bengali villages are lamentably filthy in the extreme, and this I am convinced is due to ignorance of the dangers it entails to health and not to actual want of cleanliness.

The hon'ble Member went on to recommend the medical inspection of school children in preference to the teaching of hygiene. I quite agree with the first part of the suggestion, but *not* as a substitute, for the teaching.

Surely it is quite a different question altogether, and were it not so, in my opinion it is of less value, as it affects the individual, for his or her life only, but does not impart valuable knowledge which can be passed on to a future generation.

He further went on to say speaking of schools, that 'They already have more subjects to teach than they can do justice to.'

*Resolutions.**Mr. Irwin.*

All I can say in reply to this is, of what use are all the subjects in the school category unless life and good health be granted to benefit by them? Let some other less important subject be abandoned and give place to the teaching of health before all else.

The hon'ble Member wound up by suggesting that I should withdraw my resolution on the understanding 'that Government should take up this important question' and my reply is the Government of India 'took up the question' at any rate as far back as February 1913, but what progress has been made since?

During the past year I understand that some steps are being taken in the desired direction, in this province, by the training of sanitary inspectors, and I believe courses of lectures on Hygiene are being arranged for at the central colleges; also, in certain municipalities where Health Officers are employed, similar lectures are to be given, but will those lectures be attended by an appreciable number of people or even by any of the classes which it is most desirable to get at?

Further, I believe that Government is being applied to for a grant for the purpose of treating school children already suffering from malaria, but as I said before, this, excellent as it may be, is a totally different question and is by way of a *cure* of disease, in individual cases, which can only be temporary, with no guarantee against re-infection, as long as the child remains in a fever-stricken locality, and cannot be of anything like the same value as education in the methods whereby disease may be *prevented*.

In support of the resolution I am this day proposing, I would refer, in the first place, to the speech reported to have been made by your Excellency at the annual conference of the All-India Sub-Assistant Surgeons' Association held at the Campbell College on January 23rd last, from which I regret time will only admit of a few brief quotations.

Your lordship is reported to have said :—

'We have to try to revolutionise the immemorial habits of a whole people before we can hope to vanquish that small but malevolent parasite, the hook-worm.'

Further

'Knowledge widely diffused and an ample supply of highly trained medical men and sanitarians.'

Again

'In place of knowledge we have ignorance.'

and finally

'the tremendous importance of spreading abroad knowledge of sanitation and hygiene.'

How, my lord, can 'the immemorial habits of a whole people' be better revolutionised than by the education of the rising generation in the schools? How better 'diffuse knowledge', and how better 'spread abroad a knowledge of sanitation and hygiene'?

Surgeon-General Edwards in writing on the subject says :—

'I am very glad to hear that you are continuing to press for the teaching of public health in all schools and colleges. If *only* the people were taught how diseases like cholera, tuberculosis, dysentery, malaria and hookworm are spread, the simple means to prevent the spread and the reason *why*, above

*Resolutions.**Mr. Irwin.*

all the reason *why* the task of the public Health Officer would be a comparatively light one. Without this knowledge measures to improve public health are met with apathy or even hostility.

In further support of the course I am advocating, I would quote from the opinions of two eminent authorities on the question of combatting disease.

First that of Lieutenant.-Colonel W. Glen Liston, I.M.S., President of the Medical Research Section of the Indian Science Congress held recently in Bombay. I strongly recommend his address entitled 'The Next War—Man *versus* Insects' to those interested in the subject.

As the title indicates, he writes on the connection of insects with the propagation of disease and says :—

'In India—at least two-thirds of the preventable diseases can be attributed to their (insects') agency'. He emphasises "the need of educating people in the dangers which the multiplication of insects connote". He further said that 'more than ten million lives have been sacrificed to plague, an easily preventable disease', requiring amongst other conditions 'the enlightenment of the people as a means of prevention'.

In referring to the teaching of hygiene in schools he says :—

'I fully approve of the recommendations'.

He further writes :—

'How are the masses to be taught that prosperity is intimately connected with sanitation? There are two ways in which this can be accomplished—first by instructing the children in schools" etc., etc.

The second authority I referred to above is Dr. Lankester, Director of the Medical and Sanitation Department, to H. E. H. the Nizam's Government. In a memorandum on the subject of 'Measures for the prevention of Tuberculosis in India' he strongly urges the identical course recommended in my resolution. He says :—

'Closely akin to the establishment of educational organisations is the question of making a vastly extended use of the educational system of the country in the direction of spreading the knowledge of health matters amongst school children and school students.'

Further—

'What is needed is that educational authorities should decide to make the subject of physical health one of the compulsory ones in the educational course at the expense of one of the present compulsory subjects'

Again he writes :—

'When we have actually in existence the machinery devised for the object of dispelling ignorance on the widest possible scale it is surely reasonable to demand that this machinery of education be applied to the most practical and fruitful of ends—that of helping the children and the students of India to grow up with some knowledge of how to keep themselves in health and how to avoid those things which cause sickness and suffering'. The mere fact of hygiene becoming regarded as an essential part of the training of thousands of school teachers throughout the country would in itself be a gain of the greatest importance.

I do not wish for one moment to attempt to minimise the value of what Government has effected in the matter of public health; in fact what has already been done demonstrates the fact of what can be accomplished in that way.

*Resolutions.**Mr. Wordsworth.*

You, my lord, personally are justly earning the admiration of all by the noble efforts you are making in the cause of suffering humanity, and your name will certainly go down to posterity associated with such work.

But when we are told that want of funds stands in the way of sanitary teaching, and when the Education Department says that it cannot accept sanitation as a subject because it already has more subjects than it can do justice to, I suggest that the Educational Department and even Government itself as a body fails to appreciate the vast effect which hygiene and sanitation have on the prosperity and well-being of a country.

We planters on our tea gardens are just beginning to appreciate the benefit to be derived from a successful campaign against what your Excellency terms 'that small but malevolent little parasite, the hookworm'.

We reckon that it adds the equivalent of 25 per cent. to our active labour force, the value of which it is hard to overestimate in these days of scarce labour.

It is one instance of the desirability of endeavouring to educate the people and 'revolutionise their immemorial habits'.

What subject I would ask of the educational authorities is more important than health? The three R's must of course be taught, but without health, not to say life itself, no community can prosper or be happy.

My lord, it is just forty-four years since I first came to this country, as a boy of sixteen. I have spent many happy years here and have been intimately connected with the classes which this resolution is intended to benefit.

I have often watched with the greatest pain and pity poor coolies suffering and dying purely from want of a little knowledge and have felt how helpless a mere individual is.

I have seen the gradual evolution of the people as our Western ideas have been slowly assimilated.

In many ways the change has *not* been for the better, but in this question of sanitation there is no doubt that the West is far in advance of the East and I feel that to further and assist its progress is a *duty* my countrymen and I owe to the land which has given us shelter.

The Hon'ble **Mr. Wordsworth** said :—

"My lord, this resolution is in effect a continuation or a repetition of a resolution moved in Council at the corresponding meeting of last year; and I take it that the hon'ble mover's present purpose is to obtain from Government a statement of what has been done in consequence of the acceptance of that resolution by the Council. At least, I do not imagine that his sense of courtesy would allow him to suggest the possibility that we have forgotten the obligations which that resolution imposed upon us and that it is necessary to remind us of them. I take it, therefore, that the words in the resolution 'thereby giving effect to the resolution on the same subject which was carried at the meeting of this Council held on the 19th February 1918' do not exactly say what they contemplate. I am prepared to give the Council a brief statement of what has been done, but I would first point out that the teaching of such a subject as sanitation or health is not on a par with other subjects in the school curriculum. It may be taught in schools; it is taught in schools; but if it is intended to have good results, it must be taught in a different way from other subjects. Sanitation, so far as the education

*Resolutions.**Mr. Wordsworth.*

department is concerned, resolves itself into not only formal lessons in schools, lessons in theoretical knowledge, but also certain practical matters which have relation to school buildings, etc. It is useless, for instance, to teach hygiene as a subject in schools unless we can in some way ensure that the lessons shall have some practical visible effect out of school. That is one of the difficulties with which we are necessarily concerned in contemplating a subject of this kind, and it is one of the reasons why this resolution was opposed on behalf of Government last year. Since, however, the Council accepted the resolution, we have done the best we could, both in the way of formal instructions in schools, and in the way of attention to buildings, light, cleanliness, external sanitation and all the other external marks of a good school, which we endeavour to effect through our inspecting agency. In this respect we have, I believe, been far from unsuccessful. The work is difficult; it is not always appreciated; and we have often in this Council heard the Education Department attacked as a department which imagines that primary education can be carried on only in marble halls. Although not meant as a compliment I take it as a tribute to the work which our inspecting officers do in their visits to schools, a tribute to the efforts which they make to improve the sanitary and hygienic conditions of the schools under their control. With regard to formal instruction, we have during the last year made a beginning in some directions, and more than a beginning in others. I shall not weary the Council with all the details: suffice it to say that we have had an examination made of available books by a committee of experts, and that those books which find favour have been adopted, prescribed and recommended for various classes in various kinds of schools. We have hygiene taught as a formal subject in practically every kind of school, in primary schools, in middle schools, and also in the lower or vernacular classes of high schools, where we have the power, i.e., where schools are Government schools or aided schools we prescribe it as a compulsory subject. In other schools, we do what we can to have the teaching of hygiene and the fundamental principle of sanitation taught. In the higher classes of school we cannot do much in this connection, for their curricula are determined by the University and it is for the University to decide what subjects shall be included and the Council will remember that it was pointed out a year ago that the Government of India has expressed itself as opposed to the introduction of formal hygienic teaching in the upper classes of high schools, for the reason that with the lack of competent teachers it is likely to become purely theoretical and to be regarded as useful only for examinations.

In addition to this we have made arrangements for lectures on hygiene to be given in all training schools and colleges. In this connection, I have to acknowledge a debt of obligation on behalf of the Education Department to the Sanitary Commissioner. He has helped us admirably. Where municipalities employ health officers or sanitary inspectors, we have been able to give competent teaching to elementary teachers under training in guru-training schools, for there are guru-training schools in a large number of these municipalities. A few municipalities have refused our terms, which were briefly, that we provided all the cost of, and materials for teaching, the lanterns, the slides, and the acceptance of the municipalities meant responsibility only for breakages. Hon'ble Members will readily understand that it has been difficult in a time like this to procure the necessary materials, lanterns, etc. It was difficult also to obtain teachers, but we have made a beginning in 18 municipalities, and as more lanterns are available, we shall extend this work to a larger number of municipalities. The Sanitary Commissioner has made somewhat similar arrangements in district boards, and there is a considerable hygienic propaganda now carried on in various

*Resolutions.**Rai R. C. Pal Bahadur.*

district boards by lectures given by health officers or sanitary inspectors illustrated by lanterns. Further, the Sanitary Commissioner has agreed to instruct the hygiene teacher of the Sanitary Inspectors Training class to deliver courses of lectures in the two training colleges in the province, and in the normal training schools, also in the training classes at the Dow Hill School at Kurseong, where a certain number of European women are trained for the teaching profession and in the Bethune College for Indian girls in the city of Calcutta. Further, we have already provided in memory of our obligation sufficient money in the next budget to enable us to carry on the scheme and develop what we have begun: The money that the Hon'ble Mr. Irwin asks us to provide has already been provided. We have also provided money in the budget for the appointment of two officers to assist in work of this kind, a deputy sanitary commissioner and a physical adviser to the Education Department. We have already made proposals for the appointment of these officers, and when times are propitious, we expect to have them added to the cadre of the Education Department in this province. Hitherto, for advice in these matters, we have been indebted to the Sanitary Commissioner, and to a gentleman to whom I may now pay a tribute since he has recently left this country for America for good. Dr. Segard, who came out to Bengal as physical director of the Young Men's Christian Association and whose services by an arrangement between the Young Men's Christian Association and the Government were available for the use of the Education Department. For five years he has given us loyal and invaluable service in improving physical education in schools, developing drill, training drill masters and in advising and assisting schools in every way in the improvement of their internal conditions, light, ventilation and sanitation. Now that he has returned to his own land, and will not be coming back to Bengal, I take this opportunity of saying a word of appreciation on behalf of the Education Department. I trust, my Lord, that I have made it clear to the Council that what the hon'ble mover asks for has already been done. He therefore may see his way to withdraw the resolution inasmuch as, if accepted, it will pledge us to a provision which we have already made, and therefore to a double provision which we could not spend."

The Honble Rai Radha Charan Pal Bahadur said :—

"My Lord, I rise to support the motion of the Hon'ble Mr. Irwin, and I do so, to thank him for again bringing up this question. When he moved this subject last year, he got the unanimous support of the non-official members, who were particularly grateful to him, coming as he does from the European community, for the great interest and persistency with which he has been advocating this question. I have been reading the proceedings of the Council of February last year, and I find that when Mr. Irwin moved in this Council for the provision for the study of hygiene and sanitation in schools, the Hon'ble, now Lord, Sinha said that the Government sympathised with the object of the resolution, and that they had taken certain steps, and in his reply to Mr. Irwin said that almost from 1911 to 1913-1914 Government had been considering this matter. I find from the proceedings that in 1913 committees were appointed by Government and after long and protracted sittings submitted their proposals recommending that the teaching of sanitation and hygiene should be made compulsory in all schools in Bengal. I find that since 1913 there has been correspondence with the Government of India. I also find that the upshot of the recommendation was that the Government of India and the Government of Bengal practically agreed that such an important subject should receive the attention of Government. The Government of India, however, did not think that it should be made compulsory, but should be optional. Since then, we find

*Resolutions.**Mr. Irwin; The Hon'ble Maharajadhiraja Bahadur of Burdwan.*

that nothing particular has been done, although Lord Sinha expressed his sympathy and the genuine sympathy of the Government last year, but said that the want of funds and trained teachers stood in the way. My Lord, this is a matter in which in this Council, no matter how much we may talk and debate, we cannot do anything. We cannot get trained teachers and funds; that is the outcome of executive energy on the part of the executive Government. I have tried to follow the speech of the hon'ble Director of Public Instruction, but I have not been able to gather how many teachers in hygiene have been trained, and in how many schools in Bengal is the study of hygiene being carried on. So far as Calcutta is concerned, my Lord, if I heard the speech of the hon'ble Director of Public Instruction right, he referred to the Bethune College. I am connected with some of the educational institutions in this city, and I do not think that Calcutta is a place where there should be any difficulty in the teaching of hygiene and sanitation. I believe it is a place where a certain number of fairly trained men are obtainable—I do not say highly trained, I say fairly trained. Therefore I say that this is a subject which ought to engage the more earnest attention of Government. You may spend money on the prevention of malaria taking steps in the direction of anti-malarial measures; you may spend money on other matters relating to sanitation, but I am strongly of opinion, my Lord, that unless a study of hygiene and sanitation is made compulsory, in all schools, and unless the boys are taught the evil effects of bad water, etc., which can best be illustrated not only by lectures but also by practical demonstration, I do not think any great advance in sanitation would be made. I think this is a matter which ought to be taken up more vigorously than has been done. Although the resolution was opposed on the last occasion by Government still I must do Government the credit that it entirely sympathised with the object of the resolution which was ultimately carried in spite of the 'noes' on the other side. I therefore earnestly hope that when that resolution is renewed as it has been with vigour by my hon'ble colleague Mr. Irwin, now the Government will kindly make due provision in the budget of the next year, and also that the Director of Public Instruction in his executive capacity will make arrangements to introduce the study of hygiene and sanitation and see that a number of trained teachers are regularly turned out every year from the guru-training schools."

The Hon'ble Mr. Irwin said :—

"My Lord, I must confess that I am unable to altogether understand the attitude taken by the Hon'ble Mr. Wordsworth on behalf of Government in regard to this resolution. On the one hand, he says that Government has done exactly what I asked, namely, provide funds for carrying out the course I recommend, and, on the other hand, he asks me to withdraw my resolution. He says that the wording of my resolution 'thereby giving effect to the resolution carried at the meeting of this Council on 19th February, 1918' are practically unnecessary. If the hon'ble Member gives me his assurance that Government is doing or is about to do what I ask, and has every intention of continuing to do so in the future, I am quite content, and am quite willing to withdraw my resolution."

The Hon'ble Maharajadhiraja Bahadur of Burdwan said :—

"My Lord, it has been made perfectly clear by the Director of Public Instruction on behalf of Government, that Government having accepted the resolution moved by the Hon'ble Mr. Irwin last year, it has provided the funds that it thinks necessary for the present. He has given the assurance that he is going ahead with this most important question of hygiene,

*Resolutions.**Rai Mahendra Chandra Mitra Bahadur.*

and I can assure the Hon'ble Mr. Irwin that Government is not likely to lose sight of the matter, and I hope that, given this assurance, he will not now press for his resolution."

The resolution was then, by leave of the President, withdrawn.

LIST OF BUSINESS—ITEM No. 17.

The Hon'ble Rai Mahendra Chandra Mitra Bahadur moved the following resolution :—

This Council recommends to the Governor in Council—

- (a) that arrangements be made by Government at an early date for accommodating a larger number of regular students for admission into the Medical College, Calcutta, from the commencement of the next session ; and
- (b) that the Belgachia Medical College be permitted by Government to take a larger number of students for the Preliminary Scientific M. B. Examination of the Calcutta University.

He said :—

"My Lord, from the printed Annual Reports of the Medical College, Calcutta, for the years 1916-17 and 1917-18, published by the Hon'ble Surgeon-General with the Government of Bengal, I understand that 707 applications for admission to this College were received at the commencement of the session in 1916. Out of these 167 were admitted to the College. Again, 830 applications for admission to this College were received at the commencement of the session in 1917. Out of these 140 were admitted to the College, the total number of new students admitted being 164, of which 18 were sent by Bihar and Orissa Government and 6 by the Assam Government. From the reply to unstarred question No. 24, asked by me at the meeting of the Council held on the 21st January last, I understand that a very large number of students has been refused admission into the Medical College from the year 1910 to 1918. The existing arrangement regarding the admission of a limited number of students into the Calcutta Medical College and Belgachia Medical College is quite insufficient to meet the growing demand for the whole of the Presidency of Bengal, and it is high time that necessary arrangement should be made by your Excellency's Government for accommodating a larger number of regular students for admission into the Medical College, Calcutta, from the commencement of the next session.

With these few remarks, I beg to move this resolution for acceptance by your Excellency's Council.

My Lord, with reference to the second part of the resolution marked (b), regarding admission of a larger number of students into the Belgachia Medical College, I understand that provisional affiliation of this College to the University of Calcutta up to the Preliminary Scientific M. B. Examination, was granted in April 1916. The College was formally opened by your Excellency's predecessor Lord Carmichael in July 1916. At present the College was permitted to take only 48 students for the Preliminary Scientific M. B. Examination and that number was filled up from about 400 applications. Later on the College was permitted to take 60 and at present this College is permitted to take 100 students for the Preliminary Scientific M. B. Examination.

Having regard to the resources of this College, I think that the number 100 is sufficient for the present.

Resolutions.

*Rai Radha Charan Pal Bahadur ; The President ; Sir Nilratan Sirkar ;
Major-General Robinson.*

Under the circumstances, I beg leave to withdraw this portion of my resolution marked (b).

The Hon'ble Rai Radha Charan Pal Bahadur said :—

"My Lord, should these two resolutions be moved together?"

The President said :—

"Yes, the hon'ble Member has his resolution in two halves. It is in order for him to move both together."

The Hon'ble Sir Nilratan Sirkar said :—

"My Lord, this resolution has got two most important aspects, one being financial and the other relating to the educational policy. As regards the second one, which is the more important one, I think the question is still open and it has not been definitely decided whether the number of medical graduates should be indefinitely increased or not. I confess that I am in perfect sympathy with any proposal that would seek to increase the number of medical graduates of the University.

But supposing that a large expansion of collegiate medical education is necessary, the question remains to be decided whether there should be another centre started elsewhere, or whether the present centres of higher medical education should be increased in dimensions. I would, under such circumstances be strongly in favour of having a centre in Dacca either independent of the existing centre in Calcutta or working in association with them. That question apart, there is the financial aspect also. I believe there is a misapprehension in some quarters as to the financial necessities involved in medical education. We want to add another 50 students every year to the rolls of the Medical College. That would mean an increase of 300 students in six years and if the Government were to pay Rs. 100 per year, for every student, it would be a huge sum every year. Medical education is not like ordinary education. In order to train one medical student there must be proper equipment for him in at least six different laboratories,—viz., the Chemical, Physical, Biological, Physiological, Pathological and Bacteriological laboratories, and even then the question would still remain whether there was sufficient opening in the dissecting rooms, class rooms and the hospitals. If we go on indefinitely increasing the number of students in the Medical Colleges, the result will be that our students will get an indifferent sort of training and our qualifications will not be accepted as high enough in foreign countries, and particularly in Great Britain where it is necessary, in the interests of the medical profession, that our qualifications should be eligible for registration.

Having regard to these circumstances, I think I should oppose this resolution strongly. If it be settled that the University should admit a larger number of medical students I would request my Hon'ble friend the mover to collect money and start a fresh college. I have often found that our people are quite willing to come forward with subscriptions and contributions for the extension of collegiate education in arts and sciences. Several second grade colleges are being started in the mufassal. I only wish that a portion of this money devoted to the extension of medical education.

The Hon'ble Major-General Robinson said :—

"My lord, in opposing this resolution, on behalf of Government, I would like to quote some remarks made by my predecessor, Surgeon-General Edwards, in the Annual Report of the Medical College for 1916-17. He

*Resolutions.**Sir Deba Prasad Sarbadhikari.*

remarked that during the year (1917-18), '56 extra students were admitted, making a total of 1,040, which is more than double the number (502), in 1907-08. The maximum is now reached. The patients will suffer if there is any further increase in the number of students.'

The position has in no way changed, there are now 1,041 civil students on the rolls and 52 military pupils.

The hon'ble mover of the resolution, in spite of his having collected much information as regards medical matters, ignores the fact that medical instruction necessitates the provision of 'sufficient cases' or 'clinical material' for instructional purposes.

The Medical College consists of two institutions, the hospital where practical instruction is given in actual medicine and surgery and the allied subjects, and the Medical College where instruction is given in the preliminary subjects, as anatomy, physiology, etc.

These two branches of medical training cannot be separated. It is therefore impossible to admit more students for the 'earlier' courses than can subsequently be taught the higher subjects in the wards.

As anyone can see who wishes, the wards of the Medical College Hospital are hopelessly overcrowded with students, and to an extent that is unknown in any Western hospital. Yet we are pressed to admit more and more students.

Even as matters now stand, patients are subjected to an amount of 'handling' by the students that would be strongly resented in any other country.

It should never be forgotten that a hospital is primarily for the treatment of the sick poor and only secondarily for the instruction of students nothing can be allowed therefore to interfere with the essential functions of a hospital. It follows, therefore, that no more students can be admitted than there are at present. Naturally, therefore, no more can be admitted into the College.

Even apart from the hospital side of the question every available seat in the laboratories is always fully occupied and already 'repeat' classes of batches of students are held to cope with the huge classes for practical work. The College buildings can only be extended at enormous expense owing to their surroundings, and sites for hospital extension would be a matter of very considerable expense and considerable delay. The present Medical College and Hospital group is about as unwieldy as any such institution can well be and at present is by far the largest in the world. The present annual expenditure is somewhere about Rs. 8,00,000.

As regards the second portion of the resolution, I do not think that it is necessary for me to say anything, as the hon'ble mover has asked leave to withdraw it."

The Hon'ble Sir Deba Prasad Sarbadhikari said :—

"My Lord in a matter like this Government and the public must be entirely at the hands of experts and when two experts of the eminence of the Hon'ble Sir Nilratan Sarkar and Major-General Robinson have spoken, so far as the resolution is concerned, we cannot do anything. But the opposition that has been offered to the resolution raises some important issues to which the lay public cannot shut its eyes. I do not, for instance, understand

*Resolutions.**Sir Deba Prasad Sarbadhikari.*

the position of the Hon'ble Sir Nilratan Sarkar when he doubts the expediency of indefinitely adding to highly qualified medical practitioners. My Lord, a little while ago I and my friend went into the question in some detail and we found that between qualified, semi-qualified and quarter-qualified medical men Bengal has one medical man to 40 square miles and for about 15,000 to 20,000 people. My learned friend shakes his head and approves of the correctness of the figure. Can it be said that we have arrived at a stage when the non-official head of the medical profession in Calcutta can say that it is doubtful whether an indefinite expansion of the medical education should be allowed to go on or not. That is on the education side of the question. The more important financial side of the aspect should not be lost sight of, and it is more than doubtful whether the Medical College on its present site can go on indefinitely expanding. But whether some effort should be made to give some relief to the Medical College is a consideration that has suggested itself to some of us. What Major-General Robinson has said would be an excellent ground for not only reducing the number of students but for abolishing the training of students altogether, because no patient likes handling by medical students of the boisterous type, but even with the type of students that we have got now there is much of rough handling that patients are not willing to submit to. Well, that is a good consideration for abolishing the Medical College altogether, or we should find other means—a pauper hospital should not serve the purpose of instruction. I know that is a difficulty that has to be overcome because the country has by no means an adequate number of qualified men. The hon'ble mover of the resolution is in error with regard to the number of students now allowed in the Belgachia College. The number is not 48 but 72, and if the class arrangements and the hospital arrangements could be amplified further, I am sure that on the recommendation of the Medical inspector there will not be much difficulty in raising it to 100, but that, I may remind the hon'ble Member, is not a matter in which Government can help directly or indirectly by assisting the management in the matter of providing more hostel accommodation and more teachers. These are matters, my Lord, that require a little careful looking into, but even if the number can be raised to 100 it can certainly be in Belgachia. My hon'ble friend Sir Nilratan Sarkar and myself who are members of the Governing Body there, would, I am sure, be very glad to take up the question if either from the public or from the Government more assistance was to come. We cannot complain that either the public or the Government have been niggardly in their assistance in building up a non-official Medical College which I hope will be a lasting monument of the education enterprise of Bengal for a long time to come. Sir Nilratan Sarkar has suggested that we should appeal to the public for help. I do not think even he can complain as Belgachia has had a certain amount of public help, and I think that it is not likely to have less response if my friend Sir Nilratan Sarkar were to take up the matter of assisting the Belgachia management in getting more hospital accommodation and better teaching.

My Lord, the question of the Dacca Medical School—although it does not arise out of the resolution—is certainly one which calls for serious consideration. Dacca has been wanting something big in the way of educational institutions, and if we can in not a very distant future give Dacca a properly equipped medical college, the strain on the Calcutta colleges will be less and the relief will be appreciable. But whatever that may be, we cannot allow efficiency to suffer at all, and irresponsible increase in the number of students in the way suggested by the resolution cannot be thought of. As I have said, the question is one which ought to engage our serious attention and cannot be brushed aside by considerations like those that have been put forward by the Hon'ble Sir Nilratan Sarkar."

Resolutions.

Sir Nilratan Sarkar ; Sir Deba Prasad Sarbadhikari ; Rai Radha Charan Pal Bahadur ; The President.

The Hon'ble Sir Nilratan Sarkar said :—

"My Lord, may I say a few words by way of explanation. As regards the further extension of the collegiate medical education I am not at all against it—I am strongly for it. When I said that the question had not yet been decided, I referred to circumstances which I think are known to the Hon'ble Sir Deba Prasad Sarbadhikari and to myself also that the question was being discussed and decided elsewhere and Government could not do anything at this stage. I said even if it is decided that Bengal should have further extension of collegiate medical education, the other question will arise whether all the centres of such medical education should be located in Calcutta even by increasing the size of some of them indefinitely or whether at least one centre should not be started elsewhere and preferably to Dacca."

The Hon'ble Sir Deba Prasad Sarbadhikari said :—

"I am very glad to stand corrected and should like to work shoulder to shoulder with Dr. Sarkar whatever may be decided."

The Hon'ble Rai Radha Charan Pal Bahadur said :—

"My Lord, after the speech that has been delivered by General Robinson I do not think that the resolution which my hon'ble friend Babu Mahendra Chandra Mitra has moved need be pressed, but as has been observed by Sir Deba Prasad Sarbadhikari—and that was what was exactly in my mind—I would like to say that from my personal experience the want of facilities for medical education in this country is now keenly felt, and in fact the want has been growing for some time. The figures, as compiled by my hon'ble friend, if they are correct show that out of 830 applications in 1917, 140 were admitted, and in 1916 out of 707 applications 177 were admitted in the Medical College. I want to acquaint your Excellency with the experience of some citizens who take an interest in the affairs of our country and in the well being of our community."

The President said :—

"Is the hon'ble member putting forward an argument in favour of or against the resolution? I do not quite see its bearing on the resolution."

The Hon'ble Rai Radha Charan Pal Bahadur said :—

"My Lord, what I want to say is that the want of accommodation in the Medical College has opened up the question of providing for medical education at other centres. That is a point which has been urged upon your Excellency by the two previous speakers."

The President said :—

"I did not call the other two speakers to order, but the speech of the hon'ble Member upon the question does not concern this particular resolution. If the hon'ble Member wants to give an illustration in order to support an argument either for or against the resolution which is before the Council, he may do so. But it seems to me that the hon'ble Member was not doing that: he seemed to be making a speech on the necessity of increasing colleges in Bengal, which could hardly be allowed on this resolution."

The Hon'ble Rai Radha Charan Pal Bahadur said :—

"My Lord, I do not wish to take up the time of this Council by making further observations on this subject. As I have said, the reply of the Hon'ble Major-General Robinson disposes of the question of the Medical College, but

*Resolutions.**Rai Mahendra Chandra Mitra Bahadur; The President.*

it incidentally raises the question which I wanted to submit to the Council. As I shall not be in order in doing so, I shall reserve my observations for a future occasion."

The Hon'ble Rai Mahendra Chandra Mitra Bahadur said :—

"My lord, my resolution is in effect to allow a larger number of regular students admission into the Medical College. I have submitted my figures to the Council and they show that a larger number of students are not admitted to the college. The demand is very heavy and there ought to be a supply. In this view I am pressing this resolution for the consideration of the Council. We should not bind ourselves by side-issues but the main question is before the Council. The Hon'ble Sir Nilratan Sarkar considers that there cannot now be any further accommodation for students, but my submission is that, as the demand is very heavy, your Excellency's Government will have to consider the question whether a larger number of students should not be allowed to the Medical College and whether some means should not be found by which that can be done. That is the object of my resolution and I do press it for the consideration of the Council.

With regard to Belgachia I have already asked your Excellency's permission to withdraw it."

The President said :—

"As the Hon'ble Member wishes to withdraw the second portion of his resolution, I will put the first portion to the Council."

Clause (a) of the resolution was then put and lost, and clause (b) of the resolution was then, by leave of the President, withdrawn.

LIST OF BUSINESS—ITEM No. 18.

The Hon'ble Rai Mahendra Chandra Mitra Bahadur also moved the following resolution :—

This Council recommends to the Governor in Council that Government do take steps in connection with the high price of cloth and food-stuffs on the lines of action and policy adopted by the Government of Bihar and Orissa.

He said :—

"My lord, it is already well-known to your Excellency's Government that owing to the high price of cloth and food-stuffs the suffering of the poor raiyats and persons on small fixed incomes is evidently on the increase. The retail price of cloth in the interior of districts has again risen very high. Owing to various causes the retail price of common rice and other food-grains has risen rapidly since the middle of last year. On the other hand, a few raiyats who had surplus stocks of food-grains for disposal have benefited by the rise to some extent, but in the majority of cases their stocks have been so much depleted as not to be sufficient for themselves.

I give the substance of the speech delivered by Sir Edward Gait, the Lieutenant-Governor of Bihar and Orissa, at the meeting of the Bihar Legislative Council held on 22nd January last.

His Honour fully explained to the Council the action and policy of his Government and informed the Council of the steps which are being taken in connection with the price of cloth and food-stuffs.

*Resolutions.**Mr. Crum.*

His Honour has remarked as follows :—“Owing to various causes connected with the war, there has been a general and marked rise of price throughout the world, and this rise has been specially serious in India. For many years past, it has been the accepted policy of Government to avoid all interference with the ordinary course of trade, and it was held that any attempt to keep down prices by artificial means would be certain to lead to a greater trouble than that which it was desired to avoid. This principle, however, has frequently been departed from in England under the stress of the war and it is now realized that Government can often intervene with success, at any rate in the large class of cases where the conditions are not wholly or mainly due to economic causes.”

His Honour informed the Council of the fact that, as the dealers in the mufassal showed no disposition to bring down their rates to those prevailing in the Presidency towns, the Local Government decided to purchase cloth in the Calcutta market for sale in the various districts within His Honour's jurisdiction. Since the middle of November Mr. Reid, who as Magistrate of Patna had already done good work, purchased several million yards of cloth which were sold locally at 30 to 40 per cent. below the prevailing prices. The people in this way saved several lakhs of rupees which would otherwise have gone to the trade. The method of distribution varied according to the local conditions ; in some cases cloth was sold on commission and in others voluntary agencies were appointed, but the most popular system had been the sale directed by Government at the public offices. The popularity of these sales may be gauged by the fact that cloth to the value of nearly Rs. 2,000 was sold at the Patna outchery in a single day. A certain quantity of imported cloth purchased in Calcutta together with some standard cloth, which Mr. Reid has obtained as a voluntary basis, will certainly meet the most urgent demand pending the arrival of the standard cloth in sufficient quantity. Mr. Reid has also succeeded in obtaining some cloth of superior quality for the use of the better classes, and that also is now being placed in the market.

The war is also responsible for unprecedentedly high prices of food-stuffs, and I understand that Your Excellency's Government has taken some effective steps in connection with the transit of food-stuffs from one place to another. I may add that this system of controlling food-stuffs is still in the experimental stage ; the difficulties of interfering with established trade routes are very great, and it remains to be seen whether the advantages to be gained from it outweigh the obvious difficulties. The workers in mills can afford to pay for higher prices than the ill-paid labourers in the interior of the districts, and if exports are unrestricted, the latter tracts might be denuded of their reserves of food which it would be impossible later on to replace.

With these remarks, I beg to commend this resolution for acceptance by your Excellency's Council.”

The Hon'ble Mr. Crum said :—

“My lord, as a member of the committee which was appointed by Government in the middle of last year to examine the question of the prices of cotton cloth, I should like to say a few words about the present position. The Committee at that time recommended to the Government of India through the Government of Bengal that standard cloth of such pattern as will be as cheap as possible should be produced ; in fact, the Committee recommended a direct interference with the trade—an interference which as the Hon'ble Member has told us in his quotation from the speech of Sir Edward Gait is only justified by abnormal and exceptional circumstances. What I should like to try to show to you is that the abnormal and exceptional circumstances did exist in July, August and September 1918, and to the same extent

*Resolutions.**Mr. Crum.*

they do not exist now. When we examined the position in the middle of last year, we found that the stocks of cloth in Calcutta were very considerable and that they were not going to the bazar for consumption and the reason for that was that they were being bought up by people who had no connection whatever with the cloth market. People in Calcutta and elsewhere were buying considerable number of bales and putting them into their godowns, houses and kitchen even with no intention of selling, because they were told that there was every likelihood of the prices going up and of a good prospect of profit. At the same time the prices of the Manchester cloths were rising as well as the prices of the Bombay cloth. In fact the price of cloth for India was being forced up owing to the abnormal conditions of the war. Well, at that time there were no signs of peace and we recommended that in order to stop the speculation the dealers in Calcutta should be registered and nobody else should be allowed to deal in cloth, and also recommended that standard cloth should be purchased from the Bombay Mills by Government with a view to selling it to the very poor people. Prices of ordinary *dhuti* had risen from about Rs. 5-3 in April to as high as Rs. 7-11 in the middle of August and it was quite evident that the people could not afford to pay for this cloth. The figures for Railway despatches and boat despatches, which were exceedingly small, showed that the cloth did not really go into consumption. The position, I maintain, has entirely changed since then. On the armistice being declared or a little before that prices began to fall, and they fell in Calcutta very rapidly indeed, till about the beginning of December they reached somewhat the level of 40 per cent. below the highest price.

Then demand began and the prices rose again gradually till the beginning of January, when they again fell with the fall in the price of cotton and the price of cloth all over the world, and the particular cloth which I quote to you as being about Rs. 7-11 in the middle of September is now down to Rs. 5-3, which is the same price as in April last year. But what is really a much more significant point with regard to the present situation is the fact that cloth is really now going into consumption, and people are buying, and I have got some figures for the deliveries from Calcutta for the last five months during 1917-18.

From September to November, which, as you all know, is the busy season of the year, I mean the Pooja season, when we expect the heaviest deliveries of goods from Calcutta, there were in 1917, 71,000 packages delivered from Calcutta, and in 1918 in the same months there were only 27,000 packages. That shows pretty clearly that the prices during that time rose to a high level, so high that the people could not afford to pay for their cloth. In December 1917 we find 12,000 packages sent away, and in 1918 13,265 packages. Prices had fallen considerably by December, and during December they were at their lowest. In January which is not ordinarily a month for very big demands, the figures of 1918 were nearly 7,500, but for 1919, this year, they were 22,000. In fact the deliveries from Calcutta during the month of January were bigger than in any month back to October 1917. They were actually bigger than any deliveries in January for the last four years and the demand is still exceedingly brisk, and the figures for February will probably exceed the figures for January.

I think that proves pretty clearly that we have got to settled prices now at which, generally speaking, the people can afford to buy the goods, and under the circumstances I very much deprecate any interference with the regular trade. You have got to remember what the dangers of this interference are. First of all India produces in normal years only about a third of her consumption of cloth, two-thirds coming from outside. During the last two

*Resolutions.**Babu Brajendra Kishore Ray Chaudhuri; Sir Henry Wheeler.*

years the production has been about half and half, while the stocks of piece-goods in Calcutta are not as big as they were four or five months ago; deliveries, on the whole, as far as we can make out, have exceeded the supplies. There is practically nothing to arrive in Calcutta after the end of April. If you wanted to buy any first class cloth from Manchester, you would not be able to buy for shipment before the end of April, and that means that the goods cannot arrive here much before July—towards the middle or end of July. I do not think that this is the case with every kind of cloth: some of it you might not be able to buy for even such near delivery; if you introduce at this stage anything like a standard cloth, you are not going to do a very great deal of good to a very large number of people. The price of standard cloth is not, as a matter of fact, much below that for ordinary cloth here in the bazar, and you are going to frighten trade, and the result will be that the equilibrium which is now showing signs of being established between Manchester and Calcutta will again be upset, and dealers will be frightened, and they won't buy, and in another six months' time, if no more business is done, the position here may really become rather serious, not only from actual shortage of cloth, but from other important items too. It has already happened in one or two small instances; they are unimportant, but I give you the instance of one cloth which is being still very largely sold in the bazar; it is cloth imported by Ralli Brothers with a half-inch coloured border, which is selling at 6 annas cheaper than that with a tape border, which ought to be 1 anna 6 pies cheaper than the cloth with a half-inch border. There just happens to be a shortage, and so if you go too far to force this market not to do as it wants by allowing Government to interfere too much, you may have a state of affairs which will be considerably worse than it ever has been in the past. For this reason, because the position is so entirely different now to what it was in the middle of last year, I strongly recommend that nothing is done to interfere so far as cloth is concerned."

The Hon'ble Babu Brajendra Kishore Ray Chaudhuri said:—

"My lord, I desire to associate myself with this resolution which has my hearty support. The economic condition of Bengal is growing more and more serious. From the statements made in this Council from time to time it appears that the cloth problem is becoming acute and I have seen with my own eyes the distress of the poor people in the mufassal. Some energetic action on the part of Government seems to be desirable at least for the purpose of controlling the market and granting relief to the poor people. I understand that in the Presidency of Bombay Government have induced the local bodies to make arrangements for the sale of food-grains at cost price. The plucky action of the Government of Bihar and Orissa in this connection has gained popular admiration and I hope that the Government of Bengal will adopt measures on similar lines."

The Hon'ble Sir Henry Wheeler said:—

"My lord, I am sorry to take up the time of the Council, but the subject of this resolution has attracted much attention, and I should like to take the opportunity of explaining what the local Government has done and is doing in respect of it, especially since, from the wording of the resolution and the comments which we see in the press and elsewhere, it seems to be thought in some quarters that there is here in Bengal a supine local Government which has very little regard to the sufferings of the poor, whereas on our west, in Bihar and Orissa, we have an energetic local Government which is working marvels in this respect."

*Resolutions.**Sir Henry Wheeler.*

The resolution raises the two questions of food-stuffs and cloth, and I will deal with that of food-stuffs first; but in connection both with that and with cloth, it is well that the Council should bear in mind precisely what the agricultural conditions of the province are at this moment. These were explained in a *communiqué* which has only just issued and which doubtless, Hon'ble Members have read; so I can avoid repetition, but it is to be remembered that although there has been a monsoon failure and agricultural conditions are admittedly unfavourable, yet it is only in the district of Bankura and the Brahmanberia subdivision of Tippera that, at the moment, there is cause for apprehension of actual scarcity. We are in this respect a great deal better off than the United Provinces or Bombay, or even Bihar and Orissa and the Central Provinces. We know that prices both of food-stuffs and cotton cloth are everywhere abnormally high, pressing hardly both on the rich and the poor, but obviously more hardly on the poor. Such circumstances are, of course, unfortunate and regrettable, but it must be remembered that for about four years the whole world has been so suffering. We cannot bring about a revolutionary remedy, do what we will.

Turning to what has been done in the matter of food-stuffs, I would like to make it clear at the outset, that this is not solely a provincial matter; it is certainly an all-India question, and it is indeed a matter concerning the whole world, as various orders that have been passed affect exports to countries outside India. Therefore we cannot deal with it with entire disregard to other provinces, and in fact the orders applicable are binding on Bihar and Orissa equally with ourselves. In the past few months Bihar and Orissa have taken action in two directions, different from what we have done. They attempted, as far as we understand, to control the movement of grain as between districts within the province, although our information is that they got into some difficulty in so doing and withdrew their orders. Secondly, they did at one time stop the export of grain altogether from Bihar and Orissa, but that led to intervention on the part of the Government of India, to which I shall refer again in noticing briefly the orders which have been passed from time to time, and which, I would repeat, are binding on both provinces alike. When, therefore, the resolution asks us to emulate the example of Bihar and Orissa, it presumably refers to the action of that province in these two respects, but for the understanding of the possibility or desirability of our doing so, we should recall what the various orders of the Government of India have been.

When it became evident that the monsoon of 1918 was going to be a failure, and the crop prospects dangerous, the first action taken by the Secretary of State, as announced in a *communiqué*, dated the 7th October, was to stop all wheat purchases for export overseas except for Mesopotamia, the justification of this step being to conserve for use in the deficit provinces of India such supplies of wheat and other food-stuffs as were not immediately required for local consumption in those provinces which had a surplus. This is an instance of what I referred to as the all-world character of the question. This measure was supplemented by the Government of India by the appointment of a Food-stuffs Commissioner for all India with the object of securing the most effective distribution of the supply of wheat, rice and other food-stuffs which were not required for local consumption in the surplus provinces. To begin with, this Commissioner only dealt with wheat and rice, though apart from his direct transactions, he watched carefully the courses of events. The essential part of the system was that, on the information available to him from all India, he decided what quantities of wheat and rice might be imported to a deficit province from a surplus province, control being exercised by the requirement of a certificate to import by rail, signed by the Director of Civil Supplies, and countersigned by the corresponding Director in the province of export.

*Resolutions.**Sir Henry Wheeler.*

The Government of India made it clear at the outset that in respect of rice Bengal would not be allowed to close down export so as to keep all available stocks within its borders, and while shortly afterwards, first in the case of the United Provinces and the Punjab and a little later in the case of all provinces, they allowed local Governments to prohibit the export of food-grains, other than wheat and rice, from their jurisdictions except under certificate; they definitely said that they would not allow the powers thus conferred to be so exercised as to apply an absolute and uncontrolled embargo upon all exports of food-stuffs. The final say as regards inter-provincial distribution was therefore vested in the Food-stuffs Commissioner, who was intended to look at the question from the standpoint of all India. Those are the original orders which concerned the whole country. In November 1918 we attempted to take a census of rice stocks and returns were compiled, but for various incidental reasons, into which I need not go, the collection of accurate figures was very difficult, and I am afraid that the returns could not be regarded as complete. However, we took them for what they were worth, and they showed that we had surplus stocks of rice in this province. Subsequent to that date, the Food-stuffs Commissioner took over control of gram in addition to wheat and rice, so that now he deals with wheat, rice and gram. On the 25th of January the Government of India modified their policy in one material respect, and, while leaving wheat, rice and gram to be regulated by the special Commissioner, withdrew the powers of local Governments to impose restrictions on the movement of food-grains outside their provinces. In order to prevent speculation, they still required the countersignature of the local Director of Civil Supplies before food-grains could be imported, so as to endeavour to confine the trade to *bona fide* dealers. Some of the reasons which they gave for their action are relevant to the whole theory of control, and bear out what I have urged on another occasion in this Council, namely, that control is a very tricky panacea which may land us in unexpected difficulties. This is exemplified by the following extracts from their orders : —

'The present system of food control has been assailed on various grounds. In the first place, it is represented that its interference with the normal channels of trade has conduced to a deficiency of supplies in areas where they are most needed, and that the difficulties and delay attendant on the opening of new channels must inevitably conduce to a rise in prices. Secondly, the delay involved in the issue and countersignature of priority certificates has intensified the difficulty of obtaining supplies, while it is a frequent experience that a merchant after obtaining a priority certificate does not utilise it, and supplies which were expected have accordingly not come forward. Thirdly, and this is the ground on which the system of food control has been most seriously attacked, it is represented that an artificial shortage of supplies and an artificial high level of prices have been created by the restrictions in traffic, and particularly by those imposed by provincial Governments in respect of food-grains other than those the movements of which are directed under the control of the Government of India.'

The Government of India then go on to say :—

'They are aware that in certain areas the system of control is believed to have had good results in moderating or stabilizing prices, and they are fully alive to the probability that the removal of restrictions on the movement of food-stuffs will be followed by a rise of prices in some of the supplying areas, without perhaps a corresponding fall in the areas to which the supplies will be moved. On the other hand, they are faced with the very grave risk that, particularly in respect of those food-grains, the export of which is subject to provincial restrictions, certain areas, especially in Western India, may find themselves in a condition of serious deficit'

*Resolutions.**Sir Henry Wheeler.*

They have, however, decided to retain for the present their control in respect of wheat, rice and gram, and this decision is in accordance with the views of those heads of provinces whom it was possible to consult. But in respect of other food-grains they have come to the conclusion that the dangers inherent in the restrictions imposed by provincial Governments are greater than those to be apprehended from the removal of these restrictions, and they have therefore decided to remove them.

These quotations, I think, will show the Council that control is a difficult matter, and that while it is quite easy to say 'Let us control and all will be well,' it is equally easy by ill-advised control to make things worse rather than better. That is the position. We have the Government of India with their Food-stuffs Commissioner controlling wheat, rice and gram, and we are not allowed, as a province, to impose restrictions on the movements of other grains outside our boundaries. Taking the main staple rice, we are of course interested, mainly as an exporting province, and I do not know whether the idea underlying this resolution is that we should go to the Government of India and say that in respect of rice we do not wish to export any more to other provinces. That seems to be the suggestion which the resolution embodies. But I put it to the Council that it would not be practicable for us to make out a case to the Government of India for action at the present moment on these lines, apart from the fact that it might lead to retaliation from other provinces in respect of grains which we want from them, especially in the cases of wheat and pulses in which the rise in price has been far greater than the rise in the price of rice. The Revenue Department answered a question touching the rise in the price of rice not very long ago, and I read this extract from it.

'If anything, wholesale prices (of rice) in the first fortnight of November are less than those which prevailed during the same period in the five years preceding 1917. Retail prices differ little from those prevailing at the same time in the years 1914, 1915 and 1916. They fell in 1917 and the first half of this year considerably on account of an abundant harvest last season. In July or August they began to rise again to the present level which, though it may be called high, cannot in these circumstances be termed unusual.'

This is very clearly borne out by the graph which I hold here, and from which you will see that from 1911 prices rose steadily till 1913, and kept on a fairly high level through 1914 and 1915, rising even higher between September and December of the latter year. At the end of 1915 prices came down considerably, and kept fairly steady till the end of 1916. They then fell again and steadied on approximately the same level until about October 1917. Then we have a big drop nearly down to the level of 1911, and, while recently prices have risen again, they are not yet up to the level of 1913 or 1915. In the face of that record of prices, I submit that it will be impossible to go to the Government of India and say we want to close down the export of rice from Bengal. All that we can do, we are doing. We are watching the traffic in rice, seeing how much goes out of the province, and keeping the Food-stuffs Commissioner informed of the facts. He is also watching circumstances in Bengal and other provinces, but beyond that, for the moment, we cannot very well go. That is as regards our export trade. Of course as regards our import trade, we are particularly interested in wheat, gram and pulses, the prices of which are unfortunately very high. We want to get as much as we can from other provinces, but nothing that we can do will remedy the factors making for high prices, namely, the failure of the crops due to a deficient monsoon and the decrease in the purchasing power of money. Therefore, as regards the external traffic in food-stuffs, I doubt if we can do more than we are at present doing, and I again repeat that the Bihar and Orissa Government

*Resolutions.**Sir Henry Wheeler.*

are bound by the same orders as we are. As regards traffic within the province itself, it is extraordinarily difficult to regulate, bearing in mind the very large river traffic in Eastern Bengal, which is almost beyond control, and road traffic in Western Bengal, and at the moment no actual case of necessity has as yet arisen. Should it arise in any area, such as Bankura, where scarcity is threatened, we will take the necessary steps, but for the moment our attitude is one of watching developments.

Well, so much as regards food-stuffs. I now pass to the case of cloth. Fortunately Mr. Crum has stated various relevant facts in this connection, which I need not recapitulate, but before taking the Council through the story of cloth, I would invite attention to a *communiqué* from the Government of India which appeared in to-day's paper, and which bears upon the present resolution. It runs:—

'In view of certain misapprehensions which appear to be entertained as to the exact effect of the recent action taken in regard to the manufacture of standard cloth, the Government of India consider it desirable again to draw attention to the fact that standard cloth is meant for sale to the poorer classes for the relief of distress, and they have no intention of interfering with legitimate trade or of attempting to supply cloth for general consumption.'

That is relevant as indicating the limitations which affect any system of control in the matter of cloth, while no system of control can remedy the fundamental fact that we are dependent upon Manchester for a large portion of our supplies, and that Manchester rates are still materially above those prevailing in Calcutta. These are the cardinal facts. But I would like, as in the case of food-stuffs, to indicate what we have done in order to combat the idea that we have done nothing.

In February 1918, this Government first put forward the possibility of concentrating manufacture on certain standard varieties of cloth, and in July 1918 we took a census of stocks in Calcutta. I merely mention this matter as indicating that we have kept a watch on the Calcutta market during the whole of this year. It will be remembered that in July last a motion for an enquiry by a Committee was accepted in this Council, and that Committee sat. Meanwhile, the Government of India had been discussing the question in consultation with a special Bombay committee; and in their *communiqué* of the 24th August they announced the intention of attempting the manufacture of standardized cloth for the assistance of the very poor. We thereupon put in train detailed arrangements for local distribution and got out estimates of the quantities likely to be required. But while we were doing so, the price of cloth fell suddenly to an extent that made it impossible to put standardized cloth on the market, and action in that direction was suspended. About the same period, in order to check the speculation which was going on in the Calcutta market—to which the Hon'ble Mr. Crum has made a reference,—we decided to license wholesale transactions in Calcutta, and appointed a Cotton Advisory Committee on the 1st October, with which we have been in close touch ever since. The Committee issued some 1,700 licenses, and it was largely owing to the action so taken—though there were other contributory causes—that the market fell in a somewhat dramatic way, to an extent which, for the moment, rendered the manufacture of standardized cloth unnecessary. Since then our attitude has been one of watching the course of trade, and of getting the best information we can as regards the probabilities of the situation so as to be able to decide from time to time whether or not to take further action. Hitherto we have not done anything further, while Hon'ble Members know from the *communiqué* which appeared in the papers

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that Bihar and Orissa, the Punjab and the United Provinces, have undertaken the supply of standard cloth. Bihar and Orissa was the first province to do so, and at the beginning what they did was to buy cheap cloth in Calcutta at the time when prices had fallen; they then attempted an experiment with standardized cloth which they have since somewhat enlarged. The United Provinces took a few bales of standardized cloth for experimental purposes, and have since taken more, as also did the Punjab, where sales are effected through the agency of municipalities and co-operative credit societies. We are not unfortunately completely posted as to the reasons why these provinces took action; but I would draw the attention of the Council to certain considerations which, as far as we know, weighed with them, as would appear from Sir Edward Gait's speech. Owing to the unfavourable agricultural conditions the price of cloth was, at least in Bihar, beyond the reach of certain of the poorer sections of the people; and owing to the absence of an efficient and independent system of supply district prices did not respond to the fall in Calcutta rates. Prices in the mufassal were higher than they ought to have been, having regard to the situation in Calcutta. That seems to have been the main reason why Bihar and Orissa thought it necessary to take the action which they did, but it is not a reason which is equally applicable to Bengal, and it is a somewhat noticeable fact that at present neither Bombay, Madras nor the Central Provinces have embarked upon the importation of standardized cloth. However, as certain other provinces have done so, Hon'ble Members naturally ask why should not Bengal do the same? To understand the reason of our inaction, we must look at the recent course of prices, regarding which the Hon'ble Mr. Crum has given particulars. Taking the imported *dhuti* in Calcutta, this touched its highest level about the third week of September. It then started to fall and came down to the lowest level in the beginning of December: but that was not a normal trade price, as it was largely due to outside factors, such as the forced sale by auction of consignments which had been ordered but of which delivery was not taken: in fact, at that time, there was some apprehension of the complete demoralisation of the market, though it steadied, largely owing to the action of the Bihar and Orissa Government in buying cloths which tended to put prices up. Things then recovered, and prices rose to high-water mark about the middle of January, though the level was still substantially lower than in September. Since then the market has been fairly steady. Unlike Bihar and Orissa, our mufassal prices have, as a general statement, fluctuated fairly consistently with fluctuations in Calcutta, which constitutes a marked difference between the districts of Bihar and Orissa and those of Bengal. To the best of our information, goods are not being improperly withheld from the market and there is not at present the improper speculation which there was when we took action in issuing licenses to wholesale dealers.

These being the conditions, what we have to make up our minds about is whether it is wise to trust to the ordinary developments of trade and the restoration of normal conditions, or to intervene on the lines that have been followed in three other provinces. For the present, we have thought it best not to follow the example of Bihar and Orissa, the Punjab and the United Provinces. Two other facts have largely influenced us in this conclusion. In the first place, we could not put standardized cloth from Bombay on the Calcutta market at as cheap a price as the cheapest variety which is now on sale there—the *Banga Lakshmi* cloth—even though the supply of that is admittedly limited and the quality, I believe, coarse. The second fact is this, that we could not put standard cloth on the market at a price that would be more than 3 to 4 annas cheaper than the cheapest kinds of imported cloth.

*Resolutions.**Babu A. C. Mazumdar.*

These are the important conditions which we have to remember, and having regard to the course of the market which I have endeavoured to outline, and to these facts, we have thought it best for the moment to hold our hands. The Hon'ble Mr. Crum has already drawn the attention of the Council to the possible dangers of upsetting the market, and action taken by Government does upset the market out of proportion to the actual quantities with which Government may deal. We have therefore thought it wise hitherto, as in the case of food-stuffs, rather to watch developments and keep ourselves in touch with them before following the lead of Bihar and Orissa. We propose to continue doing so and to be guided by circumstances. Should they alter materially and should it appear that owing, say, to distress in any area the poor cannot be supplied with cloth, then we may have to intervene and take action. But, for the present, we do not propose, as the resolution recommends us to do, to follow the example of Bihar and Orissa in this matter of cotton cloth. As I have said in the matter of food-stuffs, it is not a case of following their lead, because we are both governed by the same orders. It is the case that as regards cotton cloth, Bihar and Orissa has done something which we have not done, but I have tried to explain to the Council the reasons which have actuated us in our present policy."

The Hon'ble Babu Ambika Charan Mazumdar said :—

"My lord, I wish to say only a few words on this resolution. I wholeheartedly associate myself with the resolution moved by my hon'ble friend. The abnormally high prices of food-stuffs and particularly of cloth have reached a very acute stage and it is high time that Government should come to the rescue of the situation. The Hon'ble Mr. Crum has laboured to show that the prices have not risen abnormally and that there have been bigger deliveries and the market is steady. Well, I am not going to enter into discussions of that sort—export, import and so forth. If there were bigger deliveries recently, then the position taken up by my friend becomes stronger, because whatever may be the market here in Calcutta, in mufassal the market is still worse. The prices have risen, particularly of cloth as well as of rice, chillies, oil and almost every article of consumption. It rises in this way, for it is not a question of export or import. A cloth merchant will not sell his cloth for less than Rs. 6-8. The rice merchant says that if I cannot get cloth for less than Rs. 6-8, I must raise the price of my rice. The man with the chillies and oil also goes in that way; so that the question is not exactly one of export or import or tabulating these figures and those figures, but it is a question of downright speculation among the cloth merchants who are primarily responsible for the rise in the price of food-stuffs. They take cloth from Calcutta at certain rates and then they fix a rate below which they would not sell it, and this cloth affects the rice market, the oil market and every other market. I would ask your Excellency's Government to ask the Collectors of districts just to enquire into the matter whether there is not this sort of unscrupulous speculation. If that can be stopped, possibly the present situation would not be intolerable. The Hon'ble Sir Henry Wheeler has told us—although it brings very little comfort to us—that these difficulties are not confined to Bengal, not to India, but to the whole world. We do not dispute that, but that is no reason why we should go for the regulation of the market to the Peace Conference to decide one way or the other. The simple point is whether Government can or cannot put a stop to these unscrupulous men carrying on a downright speculation for the purpose of making large profits at the expense of the poor people, and the bare question would be to ask the Collectors to enquire whether there is such a speculation or not; and if there is, I think Government could ask the

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Collectors to look into these things and thus afford considerable relief. It may not relieve the situation altogether, but considerable relief would be rendered if the Government would simply move in that direction."

The Hon'ble Rai Radha Charan Pal Bahadur said :—

"My lord, I must say that I have listened with very great interest to the lucid speech of the Hon'ble Sir Henry Wheeler. At the same time, the situation is becoming so acute that there is almost in every house in Bengal a cry that we should approach the Government to do something in this matter; but I must frankly confess that although we are making speeches, we have not been able to put any practical proposition before the Government. At the same time, I think it is our duty to bring the matter to the notice of Government, because I believe Government is in a better position to ascertain the real facts and as far as I can gather—I think the non-official Members will agree with me—Government is sincerely anxious to relieve the distress of the people. Therefore, what I want to know is this; that with regard to the price of cloth whether the speculation has been entirely stopped or whether there has been any relaxation of the licenses that have been granted, the speculation has been resumed or whether a stricter eye is still being kept on the cloth-dealers. I am a layman and I am not making any actual proposition; but I ask whether something cannot be done to fix a certain rate of profit over the initial cost of the cloth, that is to say, the price at which it is purchased in Calcutta and the price at which it is sold in other parts of the mufassal and whether Government can control the price. As regards the *Banga Lakshmi* Mill cloth, this is the first time that we hear about it. The outside public did not quite know whether there was a sufficient stock of the *Banga Lakshmi* standard or whether there was at any time as far as my information goes. Perhaps, there was not sufficient stock; but if there be a sufficient stock, I submit that a saving of four or five annas would be something to the poor people having regard to the high prices of food-stuffs. There had been some fall in the price of cloth, but unfortunately it has again begun to rise. I do not know what its price is at the present moment, but everyone coming from the mufassal and even everyone in Calcutta and specially those coming from the mufassal belonging to our community, all say,—'What are you doing, are you not acquainting the Government that we are feeling the pinch very much?' It is not merely that the price of rice but the price of wheat and other food-stuffs, such as chillies, grains, pulses, etc., have gone up to such an extent that it is very difficult for the poor middle-class to get even one meal a day. Such is the situation; and I am sure, my lord, that the situation has attracted the attention of Government and the Government is giving a sympathetic attention to the matter. At the same time, I submit whether it is not possible to take some practical steps, although I must admit that we have not been able to make any practical suggestions."

The Hon'ble Mr. Phelps said :—

"My lord, I do not think it necessary after what has fallen from the Hon'ble Mr. Crum to say anything from the retail point of view, but to put the matter more clearly from a wholesale point of view, it strikes me perhaps that my testimony as a retail dealer may inspire some confidence in his association. The actual prices of cotton and wool have gone up by 300 per cent., and I fail to see what the Government could do towards relieving the prices to the public in view of this fact. About three months ago, the price was three times of what it was four years ago, and it is still going up and we have the utmost difficulty in getting our own supplies. The same is the case with cotton—I am referring to cotton fine goods such as fine shirtings—and we have to give

*Resolutions.**Rai Mahendra Chandra Mitra Bahadur.*

three times of what we had to give four years ago. There was a time when profiteering was no doubt indulged in and then only was the time for Government to do something. My friends to my left are far behindhand in asking the Government to interfere now. I do not see any possible way of regulating the prices of goods now, because profiteering has come to an end. One cannot but be struck with the touching confidence that our friends have in the power of the Government. I would only wish that Government had more power to relieve such a thing as prices; but in the case of food-stuffs and cloth, I believe it is quite impossible."

The Hon'ble Rai Mahendra Chandra Mitra Bahadur said :—

"My lord, I have listened to the speeches which have been delivered just now. I am thankful to the Hon'ble Sir Henry Wheeler for the lucid speech in which he gave us detailed information bearing on the subject. But there cannot be any doubt that the distress in the mufassal—I am a representative of the mufassal—is very acute. If your Excellency goes to any hamlet or to a village town, your Excellency will find that it is no exaggeration to say that the distress is very acute. The poor raiyats of Bengal live under the protective wings of Government and they are all appealing to your Excellency for redress. I am extremely sorry that under the circumstances, which have been mentioned by the Hon'ble Sir Henry Wheeler your Excellency's Government is not inclined to interfere: that disheartens me and disheartens everybody. We looked up to your Excellency for help in this matter—a matter in which our lives are concerned. Therefore, my lord, I do press my resolution for the consideration of the Council, because I cannot persuade myself to believe that Government will not be in a position at present to interfere. This, my lord, is my submission to the Council."

The resolution was then put and lost.

ADJOURNMENT.

The Council was then adjourned to Wednesday, the 5th March 1919, at 11 A.M., at Government House, Calcutta.

A. M. HUTCHISON,

*Secy. to the Govt. of Bengal and
Secy. to the Bengal Legislative Council (Offg.).*

CALCUTTA,

The 10th March, 1919.



The Calcutta Gazette

WEDNESDAY, MARCH 19, 1919.

PART IVA.

Proceedings of the Bengal Legislative Council.

GOVERNMENT OF BENGAL.

LEGISLATIVE DEPARTMENT.

Abstract of the Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act, 1915.

THE Council met in the Council Chamber at Government House, Calcutta, on Wednesday, the 5th March, 1919, at 11 A.M.

Present :

His Excellency the Right Hon'ble LAWRENCE JOHN LUMLEY DUNDAS, EARL OF RONALDSHAY, G.C.I.E., *Governor of the Presidency of Fort William in Bengal, presiding.*

The Hon'ble SIR HENRY WHEELER, K.C.I.E., C.S.I.

The Hon'ble MR. J. G. CUMMING, C.S.I., C.I.E.

The Hon'ble SIR BIJAY CHAND MAHTAB, K.C.S.I., K.C.I.E., I.O.M., MAHARAJA-DHIRAJA BAHADUR OF BURDWAN.

The Hon'ble MR. J. H. KERR, C.S.I., C.I.E.

The Hon'ble MR. C. J. STEVENSON-MOORE, C.V.O.

The Hon'ble MAJOR-GENL. W. H. B. ROBINSON, C.B., I.M.S.

The Hon'ble MR. F. C. FRENCH, C.S.I.

The Hon'ble MR. J. DONALD, C.I.E.

The Hon'ble MR. L. S. S. O'MALLEY, C.I.E.

The Hon'ble MR. M. C. McALPIN.

The Hon'ble MR. F. A. A. COWLEY.

The Hon'ble MR. W. C. WORDSWORTH.

The Hon'ble MR. C. F. PAYNE.

Questions and Answers.

The Hon'ble Mr. S. G. HART.
 The Hon'ble KHAN BAHADUR MAULVI AMIN-UL-ISLAM.
 The Hon'ble SIR RAJENDRA NATH MOOKERJEE, K.C.I.E.
 The Hon'ble SIR NILRATAN SARKAR, KT.
 The Hon'ble Mr. W. H. H. ARDEN-WOOD, C.I.E.
 The Hon'ble RAJA HRISHIKESH LAHA, C.I.E.
 The Hon'ble Mr. L. V. N. MEARES.
 The Hon'ble Mr. PROVASH CHUNDER MITTER, C.I.E.
 The Hon'ble BABU SIV NARAYAN MUKHARJI.
 The Hon'ble KUMAR SHIB SHEKHARESWAR RAY.
 The Hon'ble Mr. ARUN CHANDRA SINGHA.
 The Hon'ble SIR DEBA PRASAD SARBADHIKARI, KT., C.I.E.
 The Hon'ble RAI DEBENDER CHUNDER GHOSE BAHADUR.
 The Hon'ble RAI RADHA CHARAN PAL, BAHADUR.
 The Hon'ble Mr. W. E. CRUM, O.B.E.
 The Hon'ble Mr. W. H. PHELPS.
 The Hon'ble MAULVI ABUL KASEM.
 The Hon'ble RAI SRI NATH RAY BAHADUR.
 The Hon'ble BABU SURENDRA NATH RAY.
 The Hon'ble BABU KISHORI MOHAN CHAUDHURI.

LIST OF BUSINESS—ITEM No. 1.**OATH OR AFFIRMATION OF ALLEGIANCE.**

The Hon'ble Mr. F. C. French, the Hon'ble Mr. L. V. N. Meares and the Hon'ble Khan Bahadur Amin-ul-Islam made an oath or affirmation of their allegiance to the Crown.

LIST OF BUSINESS—ITEM No. 2.**STARRED QUESTION.**

The following starred question was asked and answer given :—

By the Hon'ble Rai Mahendra Chandra Mitra Bahadur:—

*1.

Is it a fact that the sufferings of the *raiyats* of Bengal are on the increase owing to agricultural depression this year?

Answer by the Hon'ble Mr. MCALPIN :—

"The Hon'ble Member is referred to the Press *Communiqué* of the 12th February, 1919, in which the economic situation of this Presidency was reviewed."

Sufferings of
raiyats
 owing to
 agricultural
 depression.

*Questions and Answers.***UNSTARRED QUESTIONS.**

The answers to the following unstarred questions were laid on the table :—

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

1.

(a) With reference to the reply to unstarred question No. XI, asked at the Council meeting held on the 26th November, 1918, regarding the selection of text-books for secondary and primary schools, will the Government be pleased to state whether there is any necessity to maintain two lists (A and B) of approved text-books and to mark certain books therein with *asterisks*? Selection of text-books for secondary and primary schools.

(b) What is the present average number of text-books approved for each class of secondary and primary schools in Eastern and Western Bengal, from which the local bodies and the school authorities are expected to make their selection?

(c) Is it a fact that some uncertainty is felt by publishers as to the probable sale of individual text-books, and that as a result, there is no proper supply thereof in the market this year?

(d) Are the Government considering the desirability of reducing the lists to a reasonable size after retaining only such books as are considered to be of superior merit?

(e) When do the Government expect to introduce a uniform syllabus of studies for secondary and primary schools in the province?

Answer by the Hon'ble MR. O'MALLEY :—

“(a) and (d) Government are considering the formation of a committee of officials and non-officials to deal with the question.

(b) The information is not available.

(c) It is inevitable that so long as teachers are at liberty to select text-books, publishers should be unable to forecast their sales with certainty. Government have no information as to whether there is a proper supply this year or not.

(e) A co-ordinated syllabus for all classes has been prepared. The syllabus for secondary schools was submitted to the University Commission and it is proposed to await their report. The Director of Public Instruction expects to submit the primary school syllabus to Government shortly and it is intended to publish it for criticism.”

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

2.

(a) Is it a fact that the duties of the sanitary staff attached to municipalities relate, primarily, to conservancy work, and that there are no responsible agencies at work directly under the municipalities or otherwise, for the prevention of diseases? Duties of the sanitary staff of municipalities.

(b) Will the Government be pleased to state how matters stand at present so far as the question of prevention of diseases is concerned?

Answer by the Hon'ble MR. O'MALLEY :—

“(a) and (b) Health officers and sanitary inspectors are appointed under section 349 D of the Bengal Municipal Act, 1884, by municipalities of which the income is Rs. 10,000 a year or more. From the model rules prescribing the duties of health officers and sanitary inspectors, of which copies are

Questions and Answers.

laid on the library table, it will be seen that measures for the prevention of disease are provided for. Vaccinators are appointed by all municipalities for the prevention of small-pox. There is no other organization for the prevention of disease in municipalities with an income of under Rs. 10,000."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

3.

Number of civil suits disposed of by Munsifs' courts in the Mymensingh district.

Will the Government be pleased to make a statement showing the number of civil suits disposed of by the Munsifs' courts in the district of Mymensingh during each of the last five years?

Answer by the Hon'ble MR. KERR:—

"A statement is laid on the table."

Statement referred to in the answer by the Hon'ble MR. KERR to question No. 3 (unstarred) asked by the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI at the Council meeting of the 5th March, 1919, showing the number of Civil Suits disposed of by the Munsifs in the district of Mymensingh during the last five years.

Year.					No. of suits disposed of.
1918	...	...	...	...	72,996
1917	...	...	...	...	101,187
1916	...	...	...	...	85,445
1915	...	...	...	...	71,022
1914	...	...	...	...	74,217

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

4.

Progress in the re-excavation of certain khals.

With reference to the answer given to unstarred question No. XIV, clause (b), of the 5th March, 1917, will the Government be pleased to state what progress, if any, has been made in the matter of the re-excavation of the Taltala-Sreenagar, Taltala-Lohajang and Shekharnagar-Lohajang khals?

Answer by the Hon'ble MR. COWLEY:—

"The correspondence concerning these three khals has already been placed in the hands of the Hon'ble Member. In June, 1916, the Commissioner of Dacca forwarded certain proposals about the excavation of khals in the Munshiganj subdivision which the Dacca District Board had considered and requested that an Expert might be deputed to advise the District Board on the feasibility of the suggestions made. In July of the same year the Commissioner of Dacca was informed that owing to the demands of the war no Expert Engineer was available for this special duty; but that the Superintending Engineer of the Public Works Department would give his opinion on any proposals which the District Engineer of the Dacca District Board might prepare after a preliminary investigation. Nothing further has been heard from the District Board in the matter.

The officer who has been placed on special duty to consider improvements in drainage and navigation in Dacca district has, however, made surveys in connection with the second of the three khals mentioned by the Hon'ble Member; as regards the other two the initiative lies with the District Board."

*Questions and Answers.***By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—****5.**

Will the Government be pleased to make a statement showing—

(a) the amount of local taxation that has been imposed by the union committees in the Presidency; and

(b) such portions thereof as have been spent by them on—

(i) excavation and re-excavation of tanks,

(ii) primary education, and

(iii) local sanitation,

during the year 1917-18?

Particulars of local taxation imposed by union committees during 1917-18.

Answer by the Hon'ble MR. O'MALLEY:—

"The Hon'ble Member is referred to Appendix E of the Resolution on the working of District Boards, 1917-18, a copy of which is laid on the library table. It will be observed that the total amount of local taxation imposed by union committees during that year amounted to Rs. 52,093, while the expenditure on water-supply, education and sanitation and conservancy amounted to Rs. 23,304, Rs. 3,944 and Rs. 43,054, respectively."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—**6.**

(a) Will the Government be pleased to explain their policy in regard to sanitation in rural areas?

(b) What particular problems of village sanitation engage, at present, the attention of Government, and what funds have been spent in the last ten years for the sanitary improvement of villages?

Government policy re sanitation in rural areas.

Answer by the Hon'ble MR. O'MALLEY:—

"(a) The general policy is the organisation of measures for the prevention and mitigation of disease and the general improvement of public health.

(b) The chief problems are—

(1) the introduction of a proper public health organisation in rural areas;

(2) researches into the causation, prevalence and distribution of disease;

(3) the improvement of the sources of water-supply;

(4) anti-malarial measures, such as drainage schemes and the distribution of quinine; and

(5) the education of the public in the laws of hygiene.

Complete figures for the last 10 years are not available. The annual expenditure by District Boards under the head of 'Sanitation charges' is shown in column 42 of Form III appended to the annual resolution reviewing the reports on the working of District Boards."

*Questions and Answers.***By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—**

7.

Public meeting
at Dacca &
difficulties of
communication
in the district.

Has the attention of Government been drawn to the proceedings of a public meeting recently held at Dacca, at which the District Magistrate presided, for the purpose of discussing the very acute situation arising out of the difficulties of communication in the district?

Answer by the Hon'ble MR. KERR:—

"Yes. The attention of Government has been drawn to the meeting in question."

By the Hon'ble Babu Bhabendra Chandra Ray:—

8.

Appointment
of a District
Engineer by the
District Board
of Burdwan.

(a) With reference to the recent appointment of a District Engineer by the District Board of Burdwan, will the Government be pleased to state whether it offends in any way against certain executive instructions of Government about the preferential treatment of candidates educated at the Sibpur College, contained in a letter to the Commissioners of Divisions, No. 929T.—L. S.-G., dated Darjeeling, the 30th September, 1911?

(b) How many duly qualified candidates were there for the appointment; and how many of them were Sibpur graduates?

(c) How do the qualifications of the selected candidates compare with those of each of the Sibpur candidates rejected by the District Board?

(d) Were there no Sibpur graduates among the candidates so rejected whose qualifications were "approximately equal" to those of the selected candidate?

(e) Where was the selected candidate educated, and employed previous to his present appointment?

Answer by the Hon'ble MR. O'MALLEY:—

"(a) District Engineers are appointed by district boards, subject to confirmation by Divisional Commissioners. The letter referred to stated that the rules under the Local Self-Government Act contained no provision giving a privileged position to candidates educated at the Sibpur College, but Government desired that in three divisions preference should ordinarily be given to applicants from that College, provided that their qualifications were approximately equal to those of others who may offer their services. It is reported that the District Board of Burdwan was of opinion that the qualifications of the selected candidates were greatly superior to those of any of the Sibpur College candidates. It does not therefore appear that the District Board failed to comply with the wish expressed in the letter in question.

(b) There were 37 qualified candidates, of whom 21 were graduates of Sibpur.

(c), (d) and (e) The selected candidate was educated at the Jubbulpore College and obtained the B.Sc. degree of the Allahabad University, securing a gold medal for general proficiency and a post-graduate scholarship. He was subsequently at the Roorkee College, where he passed the Assistant Engineers' examination. He was employed first as Engineer of the Burdwan Municipality, which he resigned on being appointed as Assistant Engineer in the Public Works Department, Central Provinces. He served there as Assistant

Questions and Answers.

Engineer in Seoni, Raipur and Bilaspur and officiated as Executive Engineer of the Raipur Division. Some of the Sibpur graduates had held the post of District Engineer in small districts, but none had held an appointment as Assistant Engineer or been in charge of such responsible work as the selected candidate."

By the Hon'ble Babu Bhabendra Chandra Ray:—

9.

(a) With reference to the answer to my unstarred question No. 13 asked at the last meeting of the Council, regarding free studentships in primary schools, will the Government be pleased to state whether the aided schools are not under some control of Government?

Control of Government over aided and unaided primary schools.

(b) In what respects, if any, do the aided and unaided schools differ in the matter of supervision and control by the Department of Education?

(c) Are the authorities of district boards authorized to admit any number of free students in aided primary, middle English and middle vernacular schools?

Answer by the Hon'ble MR. O'MALLEY:—

"(a) and (b) The control over aided primary schools is vested in District Boards, subject to the rules made by Government under the Local Self-Government Act of 1885. The Education Department has no direct control over them or over unaided primary schools. The difference between them is that aided schools are, and unaided schools are not, subject to the educational rules issued under the Local Self-Government Act.

(c) Rules for the award of free studentships in Government and Government-aided schools have been issued by Government, but so far as Government are aware there are no such rules for schools aided by District Boards."

By the Hon'ble Babu Bhabendra Chandra Ray:—

10.

Will the Government be pleased to make a statement showing, district by district, the number of scholarships obtainable by students on the result of scholarship examinations in secondary stages of education, and how the respective numbers and amounts have varied, during the last ten years?

Number of scholarships obtainable by students on the result of scholarship examinations.

Answer by the Hon'ble MR. O'MALLEY:—

"A statement showing the distribution, number and amounts of

- (a) Middle scholarships,
- (b) Senior scholarships,
- (c) Junior scholarships,
- (d) Special scholarships,
- (e) Mohsin scholarships for Muhammadans, and
- (f) Scholarships for backward classes

for the last 10 years is laid on the library table.

Separate statements regarding scholarships for girls, Trust Fund scholarships and Mohsin Fund special scholarships and stipends are also laid on the library table."

*Questions and Answers.***By the Hon'ble Babu Bhabendra Chandra Ray:—****11.**Manufacture of
salt by Indians.

(a) Is it a fact that no Indian has been granted permission to manufacture salt in Bengal?

(b) If so, will the Government be pleased to state the names of the Indians who applied for such permission, and the reasons for refusal of permission in each case?

(c) What are the circumstances that differentiate these applications from those that have been successful?

Answer by the Hon'ble MR. DONALD:—

“ (a) Yes.

(b) and (c) The Hon'ble Member is referred to the statement given in reply to question No. LVIII (unstarred), asked by the Hon'ble Babu Brojendra Kishor Ray Chaudhuri at the Council meeting held on the 19th August, 1918. The petition of Abdul Barik Haji of Sandip was rejected because the petitioner asked for a special concession in the matter of the salt duty which could not be entertained; and that of Mr. P. C. Dass because he desired to manufacture under conditions which did not provide adequate safeguards for the Government revenue. The license granted to Mr. Glen George provides for payment of the full duty on all salt manufactured, and secures adequate safeguards to ensure such payment.”

By the Hon'ble Babu Bhabendra Chandra Ray:—**12.**Establishment of
a Board of
Agriculture in
Bengal.

(a) Are the Government aware of the recent establishment of a Board of Agriculture in the United Provinces of Agra and Oudh, to advise Government on questions of policy and administration in connection with the Department of Agriculture?

(b) Are this Government considering the desirability of making a detailed inquiry from the Government of the United Provinces on this subject, and of starting a similar Board in Bengal?

Answer by the Hon'ble MR. MCALPIN:—

“ (a) Yes.

(b) Government do not consider it necessary to make a detailed inquiry from the Government of the United Provinces on the subject. The question of starting a Board of Agriculture, with the connected questions of the fate of the Provincial Agricultural Association and the establishment of branch associations, has been under the consideration of this Government for some time. A communication will be issued on the subject.”

By the Hon'ble Babu Bhabendra Chandra Ray:—**13.**Government
grant to the
Society for the
improvement of
the backward
classes.

(a) Is it a fact that Government have made certain grants to the Society for the improvement of the backward classes? If so, will the Government be pleased to state the particulars about these grants?

(b) Is it a fact that the primary schools conducted by the said Society do not conform to the rules of the Department of Education either in the matter of equipment or the curriculum of study?

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(c) If so, are the Government considering the desirability of inquiring whether the said system of instruction is satisfactory, so far as it goes?

(d) What is the average cost of maintenance of a school under the management of the said Society, and how does it compare with the minimum cost of maintenance of a primary school recognised by the Department?

Answer by the Hon'ble MR. O'MALLEY :—

"(a) Government have sanctioned a recurring grant of Rs. 3,000 per annum for a period of 5 years and a non-recurring grant of Rs. 5,000 to the Society for the improvement of the backward classes' on the understanding that the Society complies with the following conditions :—

- (1) That it spends at least Rs. 2,400 a year in grants-in-aid to schools under its control.
- (2) That it adopts the departmental curricula and the rules and orders issued by the Department except in cases where the Inspector of Schools agrees to a departure.
- (3) That the schools under the Society are open to inspection by inspecting officers of the Department.
- (4) That the Society works in co-operation with district and municipal boards and inspecting officers of the Department in utilisation of its funds and in other matters connected with its educational work.
- (5) That it submits each year a report of its work in each division to the Inspector of Schools and a complete report, together with an account of its educational expenditure, to the Director of Public Instruction.

(b) and (c) This is the first year of the grant and it is not yet known whether the departmental rules are followed in all the schools under the Society. The grant is made on condition that such rules are complied with.

(d) The average monthly cost of the maintenance of a school under the Society is reported to be about Rs. 8·9; that of primary schools of all classes in 1916-17 was Rs. 9·7."

By the Hon'ble Babu Ambika Charan Mazumdar:—

14.

(a) Are the Government aware that a representation has been submitted to the Director of Public Instruction, through the Inspector of Schools, Dacca Division, by the parents and guardians of the pupils as well as by the benefactors of the Madaripur High English School complaining that the school committee has been constituted by the existing school committee in contravention of the rules recently-prescribed for the constitution of aided high English school committees?

School committee of the Madaripur High English School.

(b) Is it a fact that in June last the Inspector of Schools, Dacca Division, asked the Secretary of the school to reconstruct the committee in accordance with the said rules and that on the 20th December last the committee sent up the names of the members of the old committee without allowing the parents and guardians of the pupils and the benefactors of the school an opportunity to elect or nominate their representatives?

(c) Is it also a fact that the parents and guardians of the pupils and the benefactors of the school made an application to the President of the school

Questions and Answers.

committee to allow them to choose their representatives for the new committee, but that no action was taken on this application?

(d) Are the Government considering the desirability of asking the Director of Public Instruction to inquire into the matter and require the President of the school committee to reconstitute the school committee in accordance with the rules referred to above?

Answer by the Hon'ble MR. O'MALLEY :—

"(a) A representation of this nature was submitted to the Inspector of Schools on January 9th, 1919. Previous to this, on December 31st, 1918, another representation had been submitted to the Inspector of Schools, signed by other parents and guardians, asking that the existing committee might be allowed to continue for the full term of 3 years.

(b) Yes. On the 20th December, 1918, the committee resolved that as parents and guardians, as well as benefactors of the School, were represented on it and the term of office of most of the members would expire in about 1½ years, it was not necessary to make any change in the constitution of the committee.

(c) Yes. As the committee had been reconstituted in July, 1917, and was working satisfactorily, the District Magistrate was of opinion that the existing committee should be allowed to continue for its full term of 3 years.

(d) The Director of Public Instruction has approved of the continuance of the existing committee, and it is not proposed to take any further action until the expiry of the full term of 3 years."

By the Hon'ble MR. W. E. Crum:—

15.

Treatment of
beggars in
Calcutta.

(a) With regard to the treatment of beggars in Calcutta, are the Government considering the desirability of circulating among members of this Council the replies received to their letter dated the 4th September, 1918, to representative bodies?

(b) Will the Government be pleased to state what further action, if any, they propose to take?

Answer by the Hon'ble MR. KERR :—

"Copies of replies so far received are being circulated to Hon'ble Members of the Council for present information. Government are awaiting the reply of the Corporation of Calcutta, and after receiving it, will circulate it also and consider what further action should be taken in the matter."

By the Hon'ble MR. W. E. Crum:—

16.

Grant of land
by Government
to the District
Charitable
Society for
Alms-houses.

(a) Is it a fact that in or about the year 1840 the Government of Bengal made to the District Charitable Society a grant of 10½ bighas of land in Amherst Street to be held by the Society for the purpose of Alms-houses?

(b) Did a Committee appointed by Government submit a report in August, 1916, recommending that a site in a more suitable locality should be provided for the Alms-houses and that Government should either buy out the Society or allow them to sell the land to a third party?

Questions and Answers.

(c) Will the Government be pleased to state whether they are prepared to agree to the above proposals?

(d) If the answer to (c) above is in the negative, will the Government be pleased to state their reasons for not agreeing, or, if in the affirmative, will they be pleased to state when leave to put the proposals into effect may be expected?

Answer by the Hon'ble MR. KERR :—

“(a) and (b) Yes.

(c) and (d) Government agree that it is desirable to give effect to the proposals of the Committee. The sale of the site requires the sanction of the Government of India who have been addressed in the matter.”

By the Hon'ble Maulvi A. K. Fazi-ul-Haq:—

17.

(a) Will the Government be pleased to lay on the table a statement giving, district by district, the following information regarding co-operative societies—

Particulars as to district co-operative societies.

(i) the number of societies which were sent into liquidation under the orders of the Registrar, Co-operative Societies, since the 1st April, 1912;

(ii) the date of registration of each such society;

(iii) the amount of working capital with which each such society started, and the amount of such capital at the time when it was sent into liquidation;

(iv) the amounts realized in each case by liquidators from members, out of their total debts to the societies under liquidation;

(v) the percentage of cases in which the liquidators realized monies from members by compulsory processes; and

(vi) the percentage of cases in which the liquidators had to sell the goods and chattels of members to realize dues, stating roughly the month or months of the year when such sales were held?

(b) Will the Government be pleased to state what steps were taken by the Registrar, Co-operative Societies, to improve the working of each society ultimately sent into liquidation, before passing final orders for winding up each such society?

(c) In how many cases did the Registrar or his gazetted assistants supervise the work of liquidation, and in what manner was the supervision exercised?

Answer by the Hon'ble MR. McALPIN :—

“(a) (i) (ii) and (iii) (second part) Statements A and B are laid on the table so far as information is available. Information regarding the first part of (iii), (iv), (v) and (vi) is not available.

(b) In order to keep himself abreast of the working and financial condition of societies the Registrar of Co-operative Societies, Bengal, has issued special instructions to auditors to classify societies at the time of the annual audit.

Questions and Answers.

Societies which are marked 'bad' or 'hopeless' receive the personal attention of the Registrar or the Joint Registrars.

As soon as a society begins to show signs of deterioration attempts are made to reconstitute it. The Central Bank staff and the Government staff keep a strict watch over such a society and the Department of Co-operative Societies carefully watches the progress of reconstitution. When all possible attempts at reconstitution fail and the continuance of such a society becomes a menace to the interest of financiers and a danger to the neighbouring societies, the society is liquidated after a careful inquiry into its working, constitution and financial position under section 35 (1) of Act II, 1912. The steps described were taken in all cases.

(c) In almost every case the Registrar or his gazetted assistants supervised the work of liquidation. Circle Inspectors are now appointed liquidators in almost every case.

Supervision is being maintained where possible by local inspection, by keeping a close watch over the progress of liquidation and by insisting on regular returns as to the progress made."

Statement A referred to in the answer by the Hon'ble Mr. McALPIN to question No. 17 (Unstarred) asked by the Hon'ble MAULVI A. K. FAZL-UL-HAQ at the Council meeting of the 5th March, 1919, showing the number of societies which were sent into liquidation since the 1st April, 1912.

				Number of societies.
Bakarganj	...	...	..	8
Tippera	...	...	...	34
Pabna	...	...	...	16
Jessore	...	...	...	8
Khulna	...	...	...	12
Murshidabad	...	...	...	4
Nadia	...	...	...	8
Birbhum	...	...	...	6
Calcutta	...	...	...	1
24-Parganas	...	...	...	1
Midnapore	...	...	...	7
Rangpur	...	...	...	3
Dinajpur	...	...	...	1
Bogra	...	...	...	3
Faridpur	...	...	...	42
Noakhali	...	...	...	8
Mymensingh	...	...	...	11
Chittagong	...	...	...	1
Dacca	...	...	...	7
Total				181

Questions and Answers.

Statement B referred to in the answer by the Hon'ble Mr. MCALPIN to question No. 17 (Unstarred) asked by the Hon'ble MAULWI A. K. FAZL-UL-HAQ at the Council meeting of the 5th March, 1919.

BURDWAN AND PRESIDENCY DIVISIONS.

Serial No.	Names of Societies placed under liquidation since 1st April 1912.	Date of Registration.	Working capital (including interest and profit) of the Society at the time when it was sent to liquidation.
			Rs. A. P.
Jessore—			
1.	Parnandooli R. C. S. ...	26-8-1907	Closed.
2.	Nanduli R. C. C. S. ...	26-8-1907	262 10 0
3.	Belnagar R. C. C. S. ...	26-8-1907	393 7 6
4.	Balia Bhekutia ...	14-10-1909	648 6 3
5.	Bhiana Rajapur	20-9-1913	1,048 5 3
6.	Dhanguta R. S. ...	21-1-1916	1,339 14 9
7.	Doulatpur Mdn. R. C. C. S. ...	9-5-1908	765 7 4½
8.	Bansberia R. C. C. S. ...	4-4-1910	1,108 8 0
Khulna—			
1.	Muragacha R. C. S. ...	24-6-1917	1 321 0 0
2.	Dargapur No 4 R. C. S. ...	10-7-1908	741 4 0
3.	Sabdulpur C. S. ...	28-4-1914	624 3 9
4.	Jahanabuj C. S. ...	2-7-1908	388 0 0
5.	Dhulihar C. S. ...	9-7-1908	720 0 10½
6.	Moutala C. S. ...	19-9-1913	11,243 8 3
7.	Nityanandapur ...	28-4-1914	1,802 4 3
8.	Khesra No. I ...	23-4-1908	2,005 8 4½
9.	Julalpur R. C. C. S. ...	29-4-1908	2,284 12 6
10.	Srimantakali R. C. C. S. ...	2-8-1909	
11.	Barat R. C. C. S. ...	19-9-1910	
12.	Khesra Model C. S. ...	30-5-1910	1,485 12 9
Birbhum—			
1.	Narianpur R. C. C. S. ...	3-12-1909	2,554 15 4½
2.	Paikar Ghosh C. C. S. ...	8-1-1910	1,022 12 4
3.	Nargram Ghosh C. C. S. ...	2-9-1909	829 12 4
4.	Goupur Ghosh C. C. S. ...	11-6-1909	818 14 6
5.	Bhabanipur C. C. S. ...	28-4-1915	245 7 0
6.	Kaluha C. S. ...	23-7-1914	Liquidated on 23rd January, 1919. Final balance sheet not yet received.
Calcutta—			
1.	Anglo-Indian C. C. S., LD.	2-4-1909	10,529 0 0
24-Parganas—			
i.	Baruipur C. Stores, Ltd.	7-11-1912	1,531 2 0
Murshidabad—			
1.	Gangprasad No. I R. C. C. S. ...	19-2-1908	804 3 6
2.	Maharajpur R. C. C. S. ...	25-3-1908	522 3 0
3.	Kaluberia R. C. C. S. ...	25-3-1908	1,236 3 3
4.	Obhayghari R. C. C. S. ...	10-6-1909	766 13 9

Questions and Answers.

Serial No.	Names of Societies placed under liquidation since 1st April 1913.	Date of Registration.	Working capital (including interest and profits of the Society at the time when it was sent to liquidation, Rs. A. P.
Nadia—			
1.	Teorkhali R. C. C. S. ...	17-7-1905	1,349 14 9
2.	Ranaghat Paikpara J. B.	5-3-1913	359 5 0
3.	Badkulla R. C. C. S. ...	20-9-1910	1,321 2 0
4.	Ghoramara C. S. ...	3-4-1914	276 5 0
5.	Haulia C. S. ...	13-2-1914	957 4 9
6.	Gopindapur C. S. ...	6-3-1914	1,159 2 4½
7.	Jagannathpur C. S. ...	13-2-1914	1,444 7 0
8.	Biswanathpur C. S. ...	12-6-1914	1,489 0 6
Midnapore—			
1.	Sitli R. C. C. S. ...	18-2-1908	504 5 9
2.	Parapara R. C. C. S. ...	18-10-1911	1,703 3 3
3.	Dakhinbar R. C. C. S. ...	21-12-1909	713 1 3
4.	Mahapal R. C. C. S. ...	25-4-1908	7,618 0 3
5.	Chinchira R. C. C. S. ...	11-2-1910	3,442 15 2
6.	Akna Pithapur ...	2-6-1913	1,495 5 7
7.	Ameshawarpur ...	17-8-1910	2,046 3 4
FARIDPUR.			
Faridpur—			
1.	Srirampur G. M. S. ...	16-2-1907	Closed.
2.	Bedgram G. D. B. ...	26-2-1910	Do.
3.	Shirkhara G. D. B. ...	1-12-1907	4,261 4 0
4.	Paribartan Chaygaon G. D. B.	7-4-1909	3,941 2 9
5.	Birangal G. D. B. ...	1-12-1907	3,998 7 8
6.	Amirabad G. D. B. ...	1-12-1907	1,774 0 2
7.	Gobiudpur G. M. S. ...	23-11-1912	4,063 5 7
8.	Nayrashi G. D. B. ...	13-6-1911	2,930 4 0
9.	Akandangi G. M. S. ...	10-1-1909	4,644 7 5
10.	Char Nasirpur G. D. B.	13-6-1911	5,547 3 6
11.	Kadmi G. D. B. ...	19-10-1908	1,222 0 1
12.	Lakhipur G. M. S. ...	11-12-1908	606 10 1
13.	Majhkandi G. M. S. ...	11-4-1909	4,938 10 5
14.	Sujandowla G. D. B. ...	22-6-1911	3,353 8 5
15.	Khas Co. G. D. B. ...	6-5-1911	4,250 3 8
16.	Gopalpur G. D. B. ...	6-5-1911	371 0 0
17.	Rajarambari R. B. ...	8-12-1913	3,581 9 2
18.	Char Khankanapur R. C. B.	20-8-1913	3,527 3 10
19.	Jaynagar G. D. B. ...	26-12-1907	2,124 0 9
20.	Brahmandi G. D. B. ...	24-1-1909	13,147 0 0
21.	Kagdi G. D. B. ...	19-3-1910	13,109 10 0
22.	Kutubpur G. D. B. ...	19-3-1910	7,865 10 0
23.	Dakhin Janajat G. D. B.	15-5-1913	1,850 7 10
24.	Dattapura G. D. B. ...	7-9-1907	1,068 5 4½
25.	Saitnuber Moiserchar G. D. B.	6-5-1911	6,484 7 11
26.	Ghattakhan G. D. B. ...	19-3-1910	2,644 13 9
27.	Char Benodepur G. D. B. No. I.	11-1-1908	6,858 15 1
28.	Rajbari C. T. B., Ltd. ...	15-5-1913	914 0 6
29.	Udaypur Co-operative Union, Ltd. ...	14-6-1915	46 0 3
30.	Jasabanta Rayerkandi ...	22-6-1911	3,071 15 4
31.	Paikkandi C. R. B. ...	12-8-1913	5,209 1 3
32.	Ballavdi G. D. B. ...	21-12-1907	5,178 15 3
33.	Sharisar Bahuladanga J. B. ...	25-10-1913	6,860 11 11

Questions and Answers.

Serial No.	Names of Societies placed under liquidation since 1st April 1912.	Date of Registration.	Working capital (including interest and profit) of the Society at the time when it was sent to liquidation.		
			Rs.	A.	P.
Faridpur—					
34.	Komorpur G. D. B. ...	16-12-1911	5,262	6	8
35.	Char Neamatpur G. D. B. ...	6-5-1911	8,800	10	0
36.	Singaria G. D. B. ...	22-6-1911	5,282	4	3
37.	Bijhari G. D. B. ...	19-3-1910	9,050	0	0
38.	Abdullabad G. D. B. ...	15-5-1913	6,029	5	6
39.	Kalukati G. D. B. ...	16-10-1909	Not available.		
40.	Bhasanchar Dadpur G. D. B. ...	19-3-1910	6,605	3	7
41.	Char Nilakhi G. D. B. ...	19-3-1910	3,416	7	7
42.	Faridpur C. T. B., Ltd. ...	11-3-1913	10,356	11	4
RAJSHAHI DIVISION.					
Rangpur—					
1.	Koya G. D. B. ...	18-2-1906	Closed.		
2.	Barabari G. D. B. ...	24-2-1914	2,392	4	9
3.	Gapalcharan G. D. B. ...	17-4-1912	Balance sheet not received.		
Dinajpur—					
1.	Durgapur Annapurna Bhandar.	7-7-1913	510	13	3
Bogra—					
1.	Kuptala Udhar Bank ...	22-1-1914	973	5	2
2.	Agdhap C. C. S. ...	16-11-1914	1,655	3	3
3.	Digharpar G. J. B. ...	21-2-1916	Balance sheet not received.		
Pabna—					
1.	Boramara G. D. B. ...	27-11-1906	} Not available.		
2.	Aminpur G. D. B. ...	16-4-1912			
3.	Bharenga C. Weavers' Society.	18-12-1908			
4.	Char Boalia G. D. B. ...	17-7-1910	4,150	5	9
5.	Pengua G. D. B. ...	13-12-1908	4,323	4	3
6.	Nukali G. R. S. ...	2-1-1913	3,298	6	11
7.	Nalkhola G. D. B. ...	8-4-1908	1,766	14	10
8.	Bagmara G. D. B. ...	22-11-1906	Not available.		
9.	Ahmadpur G. D. B. No. I	22-6-1909	2,726	14	1
10.	Kusiara G. D. B. ...	21-6-1911	2,202	13	6
11.	Konabaria G. R. S. ...	8-11-1910	7,871	14	0
12.	Edrakpur G. D. B. No. II.	26-1-1910	4,705	9	104
13.	Berahimpura G. D. B.	11-4-1913	} Not available.		
14.	Dariapur, G. D. B. No. I	27-11-1909			
15.	Agpungli G. D. B. No. II	12-7-1913			
16.	Chakpatta G. R. S. ...	10-4-1911	7,984	5	2

DACCA DIVISION (excluding the District of Faridpur).**Mymensingh—**

1.	Sadhurpara G. M. S. No. 1	31-1-1908	1,554	4	7
2.	Char Gobindapur G. D. B.	17-8-1909	1,597	0	7
3.	Char Sataria Lahiripara	13-4-1909	5,458	3	10
4.	Ramnagar G. D. B. ...	24-2-1911	...	...	...
5.	Aultia Jontha Bank ...	26-3-1914	3,272	2	9
6.	Pollakandi ditto ...	9-1-1909	724	10	6
7.	Rehaigajaria ditto ...	14-1-1911	2,236	12	6

Questions and Answers.

Serial No.	Names of Societies placed under liquidation since 1st April 1912.	Date of Registration	Working capital (including interest and profit) of the Society at the time when it was sent to liquidation.
Mymensingh—concl'd.			
			Rs. A. P.
8.	Tabirchar Jontha Bank	17-1-1910	3,860 2 0
9.	Shibaprasadpur C. S. ...	15-1-1913	1,543 1 3
10.	Deoghar C. S. ...	23-6-1914	.....
11.	Derurbil G. D. B. ...	9-1-1909	3,033 5 6
Dacca—			
1.	Moidinagar C. S. ...	9-11-1906	2,881 13 3
2.	Ramkantapur C. S. ...	8-1-1907	4,184 7 3
3.	Rudradi ...	16-9-1910	1,260 5 9
4.	Mahadebpur ...	13-6-1910	424 0 0
5.	Kharia Karikar Bank ...	6-5-1914	1,462 12 6
6.	Mirzarchar M. B. I. ...	24-5-1911	Newly liquidated.
7.	Khirati G. D. B. ...	16-9-1910	Liquidation order cancelled by the Local Government on appeal.
Bakarganj—			
1.	Choramuddi D. B. M. ...	30-5-1911	1,953 10 8
2.	Dakhin Satikhola ...	18-11-1911	2,069 2 8
3.	Barna G. B. M. ...	22-2-1912	Not available.
4.	Sulia Bagpur ...	19-6-1912	4,326 10 0
5.	Bamnikati G. D. B. ...	1-8-1911	3,050 1 9
6.	Khayerdia D. B. M. ...	18-11-1911	593 14 0
7.	Jagua D. B. M. ...	16-8-1911	2,261 8 9
8.	Ruiya D. B. M. ...	30-5-1911	2,396 2 9
CHITTAGONG DIVISION.			
Chittagong—			
1.	Chota Hatiya J. B. ...	20-11-1914	1,150 10 10
Tipperah—			
1.	Fagunda G. K. S. ...	25-8-1909	Not available.
2.	Comilla C. Stores, Ltd. ...	28-1-1913	2,034 3 4
3.	Dari Algaon G. M. S. ...	10-5-1911	1,164 1 1
4.	Manikganga G. M. S. ...	10-5-1911	1,091 2 10
5.	Rajapur G. M. S. ...	21-10-1910	4,327 7 11
6.	Mahamadpur G. M. S. ...	4-10-1912	2,878 9 6
7.	Merkot G. M. S. ...	22-2-1911	2,074 0 6
8.	Tugaria G. M. S. ...	16-3-1911	4,081 2 2
9.	Chandpur C. U. B., Ltd. ...	17-2-1908	3,155 6 1
10.	Sahabajpur J. B. ...	6-2-1913	2,985 1 9
11.	Padua G. M. S. ...	25-2-1910	1,253 9 2
12.	Panchrangi G. M. S. ...	3-11-1910	4,846 15 5
13.	Lakhipur G. M. S. ...	10-5-1911	3,673 2 5
14.	Basudai G. M. S. ...	14-3-1912	2,475 5 1
15.	Heshakhal G. M. S. ...	14-3-1912	2,738 4 9
No. I.			
16.	Srihasya G. M. S. ...	2-12-1912	3,225 13 2
17.	Sahatuli J. B. ...	5-5-1914	4,264 12 6
18.	Tapaban G. M. S. ...	24-10-1911	2,395 1 11
19.	Ujanijora G. M. S. ...	27-5-1911	794 3 6
20.	Gangtiara G. M. S. ...	19-5-1911	469 9 10
21.	Pella G. M. S. ...	29-3-1911	2,212 5 1
22.	Belashaw G. K. S. ...	9-4-1914	1,863 14 3
23.	Fulgaon G. K. S. ...	12-11-1912	1,010 2 4
24.	Rajamahar G. K. S. ...	13-3-1912	1,121 4 10
25.	Bhabanipur G. K. S. ...	28-9-1910	} Recently liquidated.
26.	Astagram Purbapara ...	10-5-1911	
27.	Narianbatua ...	23-9-1911	

Questions and Answers.

Serial No.	Names of Societies placed under liquidation since 1st April 1912.	Date of Registration.	Working capital (including interest and profit) of the Society at the time when it was sent to liquidation. Rs. A. P.
Tippera—conclld.			
28.	Barora ...	14-2-1911	} Not available.
29.	Astagram Paschimpara ...	10-5-1911	
30.	Singjore G. M. S. ...	2-12-1910	
31.	Khajuria G. M. S. ...	22-1-1914	
32.	Narpatti Purbapara ...	21-6-1911	
33.	Gazirmura ...	22-6-1914	
34.	Natherpetua ...	12-10-1914	}
Noakhali—			
1.	Bararai J. B. ...	2-7-1913	} Not available.
2.	Bandua Daulatpur J. B. ...	29-9-1912	
3.	Karmullapur J. B. ...	2-7-1913	
4.	Safiabad Ghagra J. B. ...	2-7-1913	1,513 12 5
5.	Purba Kolapur J. B. ...	13-5-1913	Not available.
6.	Dakbin Taralia J. B. ...	13-5-1913	1,756 7 9
7.	Uttar Mirwarisipur J. B. ...	19-4-1913.	Appeal pending with Commissioner.
8.	Ramnagar J. B. ...	13-9-1913.	Not available.

By the Hon'ble Maulvi A. K. Fazl-ul-Haq:—

18.

Is it a fact—

- (i) that the Directors of the Madaripur Co-operative Central Bank resolved some time ago to appoint a paid secretary; and
- (ii) that the resolution of the Directors had the approval of the Registrar, Co-operative Societies, and that this vacancy was duly advertised; but the Subdivisional Officer of Madaripur (who is the Chairman of the Central Bank) wanted to make the appointment himself without reference to the opinion or wishes of the Directors?

Appointment of a Secretary to the Madaripur Co-operative Central Bank.

Answer by the Hon'ble Mr. McALPIN:—

“ (i) Yes.

(ii). The answer to the first half of the question is in the affirmative. As regards the second half, the facts do not warrant this conclusion. The Registrar was requested by the Central Bank to take the appointment into his own hands, but he declined to do so on the grounds that the secretary was to be the servant of the Central Bank and that he should therefore be appointed by the Central Bank.”

By the Hon'ble Maulvi A. K. Fazl-ul-Haq:—

19.

(a) Is it a fact—

- (i) that the majority of the Directors of the Co-operative Central Bank, Madaripur, appointed one Anwar Hosain to the post of secretary.
- (ii) that the said Anwar Hosain was serving under the Bank at the time and had been complimented by the Registrar, Co-operative Societies, for his good work; and

Appointment and resignation of one Anwar Hosain as Secretary to the Madaripur Co-operative Central Bank.

Questions and Answers.

(iii) that the Subdivisional Officer influenced the Registrar against the decision of the Central Bank?

(b) Did the said Anwar Hosain resign immediately after his appointment? If so, why?

(c) Is it a fact that the Registrar threatened to withhold the said Anwar Hosain's license under section 17 of the Co-operative Societies Act, 1912 (II of 1912), if he did not resign?

(d) Is it a fact that the said Anwar Hosain did not then resign?

(e) Is it a fact that the Registrar subsequently induced the said Anwar Hosain to resign?

(f) Is it a fact that the said Anwar Hosain has been appointed a Government auditor on a higher salary?

Answer by the Hon'ble Mr. MCALPIN :—

" (a) (i) On the 26th January, 1918, the Board of Directors of the Madaripur Co-operative Central Bank appointed Maulvi Anwar Hosain to the post of secretary.

(ii) Yes.

(iii) No.

(b) Maulvi Anwar Hosain resigned the post, saying that he had accepted it under the misapprehension that it was a post with better prospects than that of auditor which had been offered to him.

(c) No.

(d) *Vide (b).*

(e) The Registrar advised Maulvi Anwar Hosain to resign. He did not approve of the appointment.

(f) Maulvi Anwar Hosain has been appointed an auditor of Co-operative Societies. The pay of an auditor is Rs. 75 and the pay of the secretary of the Madaripur Central Bank was Rs. 75—5—100.

By the Hon'ble Maulvi A. K. Fazl-ul-Haq:—

20.

(a) Is it a fact that on the resignation of Anwar Hosain the Directors of the Madaripur Central Bank appointed a Muhammadan gentleman as paid secretary?

(b) Is it a fact that the said Muhammadan gentleman had been working for years as Honorary Secretary, and that he had been the pioneer of the movement in the subdivision?

(c) Is it a fact that the Subdivisional Officer disapproved of his appointment? If so, why?

(d) Is it a fact that the Subdivisional Officer warned this gentleman against offering himself as a candidate for appointment? If so, for what reasons?

(e) (i) Is it a fact that the Subdivisional Officer asked the Registrar, Co-operative Societies, to cancel the appointment?

(ii) If so, has the Registrar any authority under the by-laws of the Madaripur Central Bank to do so?

Appointment of another Muhammadan gentleman on the resignation of Anwar Hosain as Secretary to Madaripur Co-operative Central Bank.

Questions and Answers.

(f) (i) Is it a fact that the Registrar went to Madaripur at the instance of the Subdivisional Officer and caused the Directors to cancel the appointment?

(ii) If so, on what authority did the Registrar do so?

• Answer by the Hon'ble Mr. MCALPIN :—

(a) Yes.

(b) He had worked for some time as honorary secretary of the Madaripur Central Bank and was one of the pioneers of the movement in the subdivision.

(c) The Subdivisional Officer disapproved of his appointment. He considered him unsuitable for the post of a paid secretary whose work would be more onerous than that of an honorary secretary.

(d) The Subdivisional Officer warned him to withdraw his candidature for the reason given in reply to (c).

(e) (i) The Subdivisional Officer asked the Registrar to veto the appointment.

(ii) The Registrar has no authority under the by-laws of the Madaripur Central Bank to cancel the appointment of the secretary, but under a circular of the department issued in 1914 all Central Banks were instructed to make all appointments to paid posts in consultation with the Registrar.

(f) (i) The Registrar went to Madaripur not at the instance of the Subdivisional Officer, but in the ordinary course of his duty. That was at the end of February, 1918. As a result of bad realisations from societies during the previous harvest, the state of the finances of the Central Bank made it impossible for it to entertain a paid secretary. The Registrar pointed this out to the Directors, who accepted his advice and postponed the entertainment of a paid secretary.

(ii) By virtue of his position as Registrar he advised the Central Bank."

By the Hon'ble Maulvi A. K. Fazl-ul-Haq:—

21.

(a) Is it a fact that in one of his inspection notes on the Madaripur Central Bank the Registrar, Co-operative Societies, remarked that the paid secretary of the Madaripur Central Bank must be a Hindu?

Alleged suggestion for the appointment of a Hindu as secretary to the Madaripur Central Bank.

(b) Did the Registrar make the above remark as an expression of his own personal opinion or did he do so under the orders of Government?

Answer by the Hon'ble Mr. MCALPIN :—

"(a) No.

(b) The question does not arise in view of the answer to (a) above."

By the Hon'ble Maulvi A. K. Fazl-ul-Haq:—

22.

(a) Will the Government be pleased to state whether the Registrar, Co-operative Societies, can, under the by-laws, interfere with the action of the Directors of the Madaripur Central Bank in regard to the appointment of their own officers and servants?

Interference by the Registrar, Co-operative Societies, with the Madaripur Central Bank in regard to appointments.

(b) If so, to what extent?

Answer by the Hon'ble Mr. MCALPIN :—

"(a) No such enabling by-law exists, but the omission does not affect the general advisory power of the Registrar.

(b) The question does not arise in view of the answer to (a) above."

*Questions and Answers.***By the Hon'ble Maulvi A. K. Fazl-ul-Haq:—****23.**

Auditorship of
the Madaripur
Co-operative
Central Bank.

(a) (i) Is it a fact that a discharged sub-inspector of police, alleged to be a relative of one of the Directors of the Madaripur Central Bank, has recently been appointed by the Registrar, Co-operative Societies, as an auditor?

(ii) If so, will the Government be pleased to state the present age and the qualifications of this gentleman?

(b) Will the Government be pleased to state how many of the candidates for this post were younger than, and how many possessed superior educational qualifications to, this gentleman?

Answer by the Hon'ble MR. McALPIN:—

"(a) (i) A Sub-Inspector of Police, who had resigned the Police service and who is a relative of one of the Directors of the Madaripur Central Bank, was appointed last year as an auditor of Co-operative Societies in Pabna.

(ii) His age is unknown. He underwent a course of training under an Inspector of Co-operative Societies. He has since resigned his appointment.

(b) Government are not in a position to give the information."

By the Hon'ble Maulvi A. K. Fazl-ul-Haq:—**24.**

Resignation by
the secretary to
the Pabna
Central Bank.

Is it a fact that the Registrar, Co-operative Societies, compelled a gentleman to resign who had been appointed paid secretary to the Pabna Central Bank?

Answer by the Hon'ble MR. McALPIN:—

"The Registrar pointed out that an individual selected by the Directors as paid secretary did not fulfil the qualifications which the Directors themselves had laid down as essential and desired that another selection should be made."

By the Hon'ble Maulvi A. K. Fazl-ul-Haq:—**25.**

Alleged
high-handedness
of the
Subdivisional
Officer re
appointment of
a secretary to
the Madaripur
Central Bank.

Is it a fact that police-officers had been employed by the Subdivisional Officer to coerce Muhammadan Directors of the Madaripur Central Bank when these Directors resolved to appoint their own paid secretary?

Answer by the Hon'ble MR. McALPIN:—

"Government have no reason whatever to believe the assertion."

By the Hon'ble Maulvi A. K. Fazl-ul-Haq:—**26.**

Filling up of
certain
appointments in
the Madaripur
Central Bank by
the Subdivisional
Officer.

(a) Is it a fact that the Subdivisional Officer, Madaripur, has recently made a number of appointments in the Central Bank without reference to the Directors?

(b) If so, under what authority has he made the appointments?

Questions and Answers.

Answer by the Hon'ble MR. MCALPIN :—

" (a) The Subdivisional Officer, Madaripur, appointed some supervisors in the Central Bank with effect from the 1st of April, 1918, without reference to the Directors.

" (b) His authority for so doing was the following resolution passed by the Directors of the Madaripur Central Bank on the 23rd March, 1918 :—
" The Directors delegate all their powers relating to the appointment and dismissal and all other matters regarding supervisors and clerks unconditionally to the Chairman for a period of one year and until revoked afterwards."

By the Hon'ble Maulvi A. K. Fazi-ul-Haq :—

27.

(a) Is it a fact that in his last inspection note on the Madaripur Central Bank the Registrar, Co-operative Societies, remarked that the Directors appointed a Muhammadan, as paid secretary, on account of his religion?

(b) (i) If so, will the Government be pleased to state whether the Registrar had any materials before him to justify this remark?

(ii) If so, what were the materials?

Alleged remarks by Registrar, Co-operative Societies, on the appointment of a Muhammadan as Secretary, Madaripur Central Bank.

Answer by the Hon'ble MR. MCALPIN :—

" (a) The remark was as follows :—' Although the candidate is a very deserving man, he was obviously not the best candidate and he was obviously elected because of his religion.'

(b) (i) Yes.

(ii) The materials were the strained relations between the Directors in this connection, the request made to the Registrar by several people in Madaripur to use his influence to have a Muhammadan appointed and the following resolution which was passed by the Anjuman-i-Mafidul-Islam on the 18th February, 1918 :—' Resolved that the Registrar be requested to accord his sanction to the appointment of a Muhammadan paid secretary for the Madaripur Central Bank.' A copy of this resolution was sent to the Registrar by the President of the Anjuman, who was a Director of the Madaripur Central Bank.

By the Hon'ble Babu Surendra Nath Ray :—

28.

(a) Have the Government any information as to what steps have been taken by the district boards this year for selecting text-books for primary schools out of the list approved by the Department of Education?

Selection of text-books by district boards.

(b) Have the Government issued any instructions to the district boards for their guidance in this matter?

(c) Do they select text-books only for those primary schools which are under their direct management, or for all primary schools in the district?

(d) If the former, what arrangements have been made by the Department for assisting the gurus of schools aided by district boards in the matter of selecting text-books from the heavy list issued by the Department?

(e) What principles, if any, were followed by those district boards which made such selection of text-books for the current year?

Questions and Answers.

Answer by the Hon'ble MR. O'MALLEY :—

" (a) The reply is in the negative.

(b) and (d) The Director of Public Instruction has informed Chairmen of district boards that the boards may select from the list approved by the Department a small number of text-books for use in the schools under their control, care being taken to discourage anything in the shape of exclusive prescription and to secure that the selection is made with the utmost care so as to avoid undue patronage. Inspecting officers have been instructed to refrain from recommending any books to the teachers of primary schools for selection and in giving advice to district boards in the matter of selection of text-books, to bear in mind that the system of exclusive prescription should be discouraged.

(c) The district boards may select books for both board and aided primary schools from the list approved by the Department.

(e) Government have no information."

By the Hon'ble Babu Surendra Nath Ray:—

29.

Selection of text-books by the district board of Chittagong.

(a) Have the Government any information as to the method followed by the district board of Chittagong in the selection of text-books this year?

(b) Is it a fact that a list of text-books which was prepared by the Chittagong district board was cancelled by the Divisional Commissioner?

(c) If so, will the Government be pleased to state the circumstances of this case and to lay on the table the papers bearing on this subject?

Answer by the Hon'ble MR. O'MALLEY :—

" (a) The District Board selected the text-books recommended by the education committee from the books approved by the central text-books committee and published by the Director of Public Instruction. Subsequently several applications were received, including one forwarded by the Commissioner. These were duly considered and a few more books were selected by the education committee and approved by the board.

(b) The answer is in the negative.

(c) The question does not arise."

By the Hon'ble Babu Surendra Nath Ray:—

30.

Schools for medical education in the vernacular.

Will the Government be pleased to state whether they are contemplating the establishment of schools, or the opening of special classes in connection with the existing institutions, for imparting medical education in the vernacular.

Answer by the Hon'ble MR. DONALD :—

" The answer is in the negative."

LIST OF BUSINESS—ITEMS Nos. 3 and 4.

THE AMENDED DRAFT FINANCIAL STATEMENT.*

The Hon'ble Sir Henry Wheeler presented the amended draft Financial Statement for Bengal for 1919-20 :—

* This statement was identical with the Revised Financial Statement as presented to the Council on the 13th March, 1919, except for one or two alterations which will be found in the Memorandum accompanying that statement.

*Amended Draft Financial Statement.**Sir Henry Wheeler.*

He said :—" My Lord, I have the honour to present the Amended Draft Financial Statement for the year 1919-1920.

Hon'ble Members are already in possession of the papers, together with a copy of the Civil Budget Estimates, and my remarks may, therefore, be brief. It will be noticed that the Statement has been prepared in a somewhat different form from that followed in previous years. On the occasion of the last budget I mentioned that the form then in use seemed susceptible of improvement, and, after examination of the Financial Statements as presented in other provinces, we prepared our Statement for the approaching year in the form in which it now appears. The changes are designed to make for clearness, so as to enable Hon'ble Members to grasp easily the salient features of the accounts. The memorandum by myself which appears at the beginning of the Statement mentions briefly the most noticeable points in connection with the opening balance and revised estimates of the current year and the budget estimates of the ensuing year. It endeavours to set forth the major variations in tabulated statements of fairly simple form, and in the text it makes mention of individual features of importance. Then follows in Part II a more detailed note by Mr. Donald which, taking each major head in turn, gives further particulars regarding revenue and expenditure, each paragraph being intended to give a bird's-eye view of the position as regards each main section of the accounts. If Hon'ble Members find it easier to follow the figures and to appreciate their meaning the object of our alterations will have been achieved.

I do not propose to anticipate the remarks which will be made by the various members of Government in respect of the figures relating to individual Departments, and I will, therefore, confine myself to the more general aspects of our financial position. We started the current year with a balance which was Rs. 9,88,000 less than our expectation, but according to our revised estimates our receipts for the current year will be appreciably in excess of those for which we budgetted, while our expenditure will be noticeably less, thus leaving us at the close of the current month with a balance which is Rs. 28,70,000 better than the budget. On the receipt side we have gained heavily under the head of Excise, and to a fair extent under those of Stamps, Income Tax, Forests, Ports and Pilotage, and Miscellaneous, while on the expenditure side the most noticeable fluctuations are the large decrease under the head of Education and the large apparent increase under Civil Works in charge of the Public Works Department. The latter is a normal feature of any budget, as sums provided for buildings in the departmental accounts are transferred to the Public Works head in order that the works involved may be actually executed. This fact affects the Education figures among others, but the savings in that respect are also due to the non-utilisation of grants.

In the next year's budget we anticipate still further growth of revenue under Stamps, Excise and Income Tax in particular, in comparison with the revised estimates, while in the matter of expenditure a large increase will be noticed under Education, Sanitation and Public Works. In the net result we propose, with the sanction of the Government of India, to draw on our balances to the extent of Rs. 43,79,000, mainly in order to enable us to undertake urgent public works of importance which have been deferred owing to the financial stringency of recent years. It will be observed that we have made large deductions on account of anticipated savings. These are based on past experience as to the actual spending capacity of different departments.

We expect to close the year with a balance of Rs. 3,22,23,000. Of this the major portion is practically earmarked for the particular purposes

*Amended Draft Financial Statement.**Sir Henry Wheeler.*

for which certain Imperial grants were given from time to time and to which effect will be given in subsequent years.

It is useless to attempt to forecast the financial future of the province since this will be so largely affected by the financial proposals of the Reform Scheme. At present these have only been outlined in the report of the Secretary of State and His Excellency the Viceroy, and presumably one of the most important tasks which will be before the Finance Department during the ensuing year will be the conversion of that sketch into the definite figures which are to be taken as the basis of the future relations between ourselves and the Government of India. The Government of India have not yet addressed us on the subject, but I imagine that they will do so in the ensuing year, when we shall have to make an examination of the figures in accordance with whatever scheme may be approved. This will not be altogether an easy business in view of the abnormal conditions of the recent years of war, but we shall do our best to see that the financial interests of the province are duly protected, and that our successors are placed in possession of all funds to which they can fairly lay claim.

Hon'ble Members will of course remember that the figures as now furnished are still only provisional and that they will not be final until the budget is finally presented. Should any Hon'ble Member desire further information on individual points the Finance Department will do its best to supply it.

I now beg to introduce the various heads of Expenditure and Revenue which are my particular concern.

The following heads call for no comment beyond the remarks which already appear in the Statement :—

Expenditure—

1. Refunds and drawbacks.
6. Stamps.

Revenue—

- XII.—Interest.
- XXII.—Receipts in aid of superannuation etc.

Expenditure—

29. Superannuation allowance.

These are all obvious heads and the figures in the statement give details. Turning to heads, Revenue V and Expenditure 7—Excise, we come to a source of revenue which is rapidly becoming one of the chief mainstays of our finance. Last year the Hon'ble Mr. Donald said that he did not expect any large increase of revenue in the current year, but events have falsified our anticipations, and the revised estimate has been enhanced by Rs. 15 lakhs, while in the budget we have taken credit for a still further rise of Rs. 9 lakhs, raising the total revenue to the large figure of Rs. 1,84 lakhs. These results are mainly due to the increased consumption of country spirit in Hooghly, Howrah, the 24-Parganas and Calcutta, and to larger issues of Indian made foreign liquor owing to the higher prices ruling for European drinks. Owing to the raising of the duty on opium an increase is also expected under that head. As a set-off against the increased consumption we have materially enhanced the duty and price of country spirit in Hooghly, Howrah, the 24-Parganas and Calcutta with effect from the 1st February. As regards the ensuing year, with a return to more normal conditions, there

*Amended Draft Financial Statement.**Sir Henry Wheeler.*

is little reason to forecast a diminution in revenue, and in fact, even if consumption goes down, the increased rates of duty and price should ensure a larger revenue. The fixed fee system of settlement has been introduced in the district of Midnapore, accompanied by an increase in duty with effect from the 1st April next, and in consequence larger receipts may be looked for. The trade in Indian made foreign liquors is showing a tendency to expand, and the receipts from duty on Indian made tinctures in bonded laboratories are also likely to increase. The tree tax system on *tari* palms, which has been productive of such favourable results in Madras in particular, has been a success in Hooghly and Howrah, and should result in a larger yield of revenue.

Expenditure on the department shows a tendency to increase, which is not an unnatural consequence of the growth of revenue. The Statement mentions one or two details of interest in this respect.

The next item on my list is—

Expenditure—

10.—Income-Tax,

which both in the revised and in the budget estimate exhibits an increase. This is the inevitable consequence of the introduction of the Super Tax Act VIII of 1917 and the new Income-Tax Act VII of 1918, which have materially added to the work of the department, coincident with the large increase in revenue which has been derived from this head in recent years. Assessment of income-tax is now far more complicated than it used to be, and we have had to add to the establishment noticeably in Calcutta where the bulk of the income-tax is collected.

Turning to Jails—

XVIB—Revenue, and

19B—Expenditure,

the budget both under revenue and expenditure shows a decrease in comparison with the revised of approximately Rs. 3 lakhs. For this result the sub-head 'jail manufactures' is mainly responsible. With the cessation of the war our supplies to the Military Department are bound to diminish with a consequent reduction under the cost of manufacture. During the war the Army Department indented on our jails very largely for various articles which they manufacture. On the other hand it is hoped that, with a return to more normal conditions, the expense of keeping prisoners, which has been greatly enhanced in these days of high prices, will be reduced.

We next come to the head—

Police—

XVII—Revenue.

20.—Expenditure.

The revenue figures call for little remark except in so far as the transfer of the control of hackney carriages in Calcutta from the Corporation to the Police will swell the receipts from fees and fines leviable under the relevant Acts, and it should be noted that the receipts from hackney carriages and motor cars will practically meet the expenditure involved in the maintenance of the administrative department. This is worth remembering, as the Finance Committee remarked that the expenses of the Department seem to be rather high. The reason is that we hope to get a more efficient department under better control. And, of course, it is not a department from which we want to make money. If the receipts from hackney carriages and motors

*Amended Draft Financial Statement.**Sir Henry Wheeler.*

cover the expenses there will not be any very reasonable ground for complaint. On the expenditure side the revised estimate of the current year shows, on the face of it, a decrease of Rs. 7,40,000 as compared with the budget, but the saving is more apparent than real as, of the difference, Rs. 5,75,000 has been transferred to the Public Works Department on account of works in course of completion. The budget estimate for 1919-20 is rather over Rs. 3 lakhs in excess of the revised estimate for the current year, although some Rs. 4 lakhs less than the budget estimate for 1918-19, though here again, as against the apparent saving, it is to be noted that expenditure in connection with the schemes of reorganisation in Eastern Bengal, which was previously met in the departmental budget from the special assignment made by the Government of India in this respect, will in future appear in the Public Works budget, the special assignment having been exhausted. This will now be dealt with as ordinary works under the Public Works head, whereas previously we were working against the special assignment granted by the Government of India to the old Government of Eastern Bengal in pursuance of the reorganization scheme. The important new items in next year's budget are mostly to be found in connection with the Calcutta Police. It has been found necessary to raise the pay of European inspectors and sergeants, as recruits otherwise find superior attractions elsewhere, while the development of street traffic in this city has necessitated a larger expenditure on the staff maintained for its control. A glance at the streets, even, outside Government House, would show the congestion which now exists and the difficulty of handling the traffic. The item of Rs. 40,000 on account of the public vehicles department is counterbalanced, as I have already mentioned, by corresponding receipts, while the provision for a new launch is not in reality a fresh outlay, but in substitution for a launch commandeered by the military authorities for which we shall in due course receive compensation. Since the war the Army Department took away from us a good many launches. They were paid for, so we did not lose over the transaction, but of course new launches have to be found in their place. In respect of the district executive force the large entries in the matter of the reserve of head-constables and constables, and the improvement of the pay of the head-constables are really in continuation of similar provision during the current year; in other words, they are no novel departures, but the addition of a new company to the Dacca Military Police accounts for an appreciable increase under the sub-head 'Special Police.' The duties of the Military Police are scattered over a large area of the province and the existing force is inadequate; hence this increase.

The figures of the Medical Department—Revenue XXA and Expenditure 24A—would at first glance give the appearance of steady jogging along on customary lines. But in reality we look forward during the ensuing year to the initiation of various important schemes for which provision is made in the Public Works budget. In particular I would instance the following:—

	Rs.	
The Hygiene Institute attached to the Tropical Medical School	...	1,00,000 (It has previously been mentioned that towards this scheme we have been promised a grant from the Research Committee).
New medical school at Burdwan	...	1,00,000

*Amended Draft Financial Statement.**Sir Henry. Wheeler; Maharajadhiraja Bahadur of Burdwan.*

Rs.

New nurses' quarters at the Medical College, Calcutta	6,30,000	(A large portion of this is for the purchase of land).
New Eye Hospital at the Medical College, Calcutta	2,00,000	(This is the beginning of the rather heavy expenditure which the whole scheme will involve).

Each of these items holds out good prospects of useful development, and it is a ground for satisfaction that we can at last see our way to making a commencement with them. It must be within the recollection of Hon'ble Members that this new Eye Hospital and the Hygiene Institute have been frequently mentioned in this Council in recent years. But it is only now that we have been able to make a beginning with them and I hope that good results will follow. The Hygiene Institute is a new departure, and is really the completion of the general scheme connected with the Tropical School. The new medical school at Burdwan will afford increased facilities for medical education which we have been pressed so often to provide; the new nurses' quarters at the Medical College, though unfortunately expensive, are a necessary preliminary to the further development of that great institution, while the new Eye Hospital is a long-pending want which I am only too glad to be able now to begin to meet. In all these respects we are making distinct advances under the head 'Medical,' and while many other demands await our attention, and can on their merits be pressed—there are many excellent and laudable pending schemes if money could be found for them—I think it will be admitted that, compatibly with other demands upon us, we have endeavoured to recognise the importance of this branch of the administration.

As regards Stationery and Printing—Revenue—XXIII and Expenditure 30—the most annoying feature is the rise in the price of paper, etc., which involves us in additional outlay. The construction of the new Secretariat Press has rather hung fire. We hope to make a beginning on the site already acquired and to push on with the work next year.

The head 'Miscellaneous' Revenue XXV and Expenditure 32—presents no very novel features. The revised estimate of receipts of the current year is abnormal owing to the inclusion of the sale-proceeds—I think it was 3 lakhs—of the Amherst Street Police Hospital, though as against this we have the cost of the new building which will shortly be under construction. Under expenditure we save Rs. 1,50,000 by the dissolution of the Publicity Board, though the unfavourable agricultural conditions are reflected in the provision of Rs. 75,000 for gratuitous relief."

LIST OF BUSINESS—ITEM No. 5.

The Hon'ble Sir Bijay Chand Mahtab, Maharajadhiraja Bahadur of Burdwan, introduced the following heads :—

Expenditure—

- 19A.—Courts of Law.
- 24B.—Sanitation.

Revenue—

- XXXI.—Civil works in charge of Civil officers.

*Amended Draft Financial Statement.**Maharajadhiraja Bahadur of Burdwan.***Expenditure—****45.—Civil Works in charge of Civil officers.**

He said :—“ My Lord, I rise to introduce the figures relating to Courts of Law. The total budget estimate for 1918-19 was Rs. 1,01,75,000, but the revised estimate was raised to Rs. 1,04,20,000. The increase is chiefly due to larger payment of fees to Counsel and pleaders in connection with both civil suits and criminal cases

The total expenditure for 1919-20 has been estimated at Rs. 1,04,35,000. This includes an enhanced provision of Rs. 1,35,000, under the head ‘ Process-serving establishment ’, to meet the cost of the war bonus recently sanctioned for menials, and a lump provision of Rs. 1,25,000 for the improvement of the pay of the officers of the Provincial Judicial Service, besides a provision of Rs. 14,724 for the appointment of a Seventh Judge in the Calcutta Small Cause Court and his establishment ; it also includes Rs. 24,000 for additional establishment for the reorganization of the record-room of the High Court, Appellate Side.

As the Jury system has been extended this year to 12 more districts, a provision of Rs. 60,000 has been made for payment of allowances to Jurors, as against Rs. 41,645 in the budget for 1918-19. Provision for six temporary Subordinate Judges and six temporary Munsifs with their establishments have been made in the budget for 1919-20, as the existing provision for Subordinate Judges and Munsifs with their establishments proved inadequate for administrative requirements, and money had to be reappropriated from other heads during the year. Provision has also been made for the Additional Legal Remembrancer and his establishment as the term of his appointment has been provisionally extended.

A provision of Rs. 1,74,500 has been made for Judicial major works which will provide for Additional Sessions and Munsif's Courts at Bogra, a civil court at Burdwan and residences for the Additional Sessions Judge and four Munsifs at Bogra, four Munsifs at Satkhira and three at Bagerhat in the Khulna district, and Rs. 50,000 for minor works has been made in the Provincial Civil Works Budget for the year 1919-20.

I beg now to introduce for the consideration of the Council the figures relating to Sanitation.

The expenditure for the current year was originally estimated at Rs. 11,71,000 and has now been reduced to Rs. 9,04,000. A large portion of the decrease is more apparent than real, for a sum of Rs. 1,90,000 has been transferred to the Irrigation Department in order to enable it to execute anti-malarial schemes that appear in the Sanitary Department programme, but for carrying out which the agency of the Public Works Department has to be utilized. As regards the budget for next year the figures alone will show how anxious we are to embark on a forward policy in the campaign against disease. The total provision is Rs. 18,66,000, or more than double the amount provided for in the revised estimate for the current year. The sanitary schemes shown on page 83 of the draft Financial Statement alone involve a total cost of Rs. 13,70,000, a figure which exceeds the Imperial assignment for sanitary work by over 4 lakhs. Of this amount a little over a lakh and a quarter is for various recurring charges, the most noticeable item being the very largely enhanced provision for quinine grants, which stands at half a lakh. Altogether 7½ lakhs have been provided for sanitary engineering works, mainly drainage and water-supply, and it will be seen that Rs. 3 lakhs has been provided for beginning the Dacca Sewerage scheme, a most important and long pending project towards the execution of which Government has promised a

*Amended Draft Financial Statement.**Maharajadhiraja Bahadur of Burdwan; Mr. Cumming.*

grant of Rs. 25 lakhs but which it has not hitherto been possible to take in hand. Then we have approximately 5 lakhs specially allotted for anti-malarial works carried out either entirely or partially at the cost of Government. Considerable sums are allotted for works that appeared in this year's programme and three new schemes are now provided for, viz., the Amta and Bhairab Drainage schemes, both large and important projects, which will be taken up by the District Boards under the Bengal Sanitary Drainage Act, and the Ghaghat scheme which will benefit Rangpur. A beginning is to be made with a publicity bureau for the education of the general public in matters of public health—details will be found on page 76 of the Financial Statement. Special provision has been made for research work, Rs. 36,000 being set apart for an investigation into river pollution and a survey of kala-azar, while Rs. 75,000 is set aside for the campaign against hook-worm disease, which, as Hon'ble Members may remember, formed the subject of an address recently delivered by His Excellency at a meeting held at Government House."

I beg also to introduce the figures relating to Civil Works in charge of Civil Officers.

The budget estimate of receipts for the current year was Rs. 1,58,000, but in the revised estimate this has been reduced to Rs. 1,40,000 mainly with reference to actuals for the first nine months of the year. The budget estimate for 1919-20 is Rs. 1,69,000.

As regards expenditure, the decrease of Rs. 66,000 in the revised estimate is the result of a new provision of Rs. 40,000 for grants to District Boards by Commissioners of Divisions set off against a decrease of Rs. 1,07,000 under grants to Municipalities by those officers. As explained last year, the latter reduction is due to the fact that the grants made by the Divisional Commissioner for educational and medical purposes are debited to those heads instead of to the head Civil Works by reappropriation to this head.

The estimate for 1919-20 is Rs. 15,64,000 of which details for Rs. 14,31,114 are given in paragraph 49 of the Financial Statement."

LIST OF BUSINESS—ITEM No. 6.

The Hon'ble Mr. Cumming introduced the following heads —

Revenue—

I.—Land Revenue.

Expenditure—

3. Land Revenue.

Revenue—

IX.—Forests.

Expenditure—

11. Forests.

18. General Administration.

*Amended Draft Financial Statement.**Mr. Cumming.*

Revenue—

X.—Registration.

Expenditure—

12. Registration.

Revenue—

XVIII.—Ports and Pilotage.

Expenditure—

21. Ports and Pilotage.

Revenue—

XXIA.—Agriculture.

Expenditure—

26A.—Agriculture.

Revenue—

XXIB.—Scientific and Miscellaneous Departments.

Expenditure—

26 B.—Scientific and Miscellaneous Departments.

He said :—My lord, I have the honour to introduce the main heads under 'Land Revenue' and its connected subjects. The Financial Statement has been prepared in such detail that few remarks are required from me.

As regards receipts under the head 'Land Revenue' it will be observed that the estimate has been prepared on the assumption, and with the fervent hope, that the year 1919 will be a normal agricultural year. On the expenditure side the budget estimate is three lakhs in excess of the revised estimate for the current year. Provision has been made for a further increase in the number of Circle officers, regarding the appointment of which reference was made last year. The expenditure under 'General Administration' represents a normal expansion.

In the case of the Forest Department the increase of revenue which was due primarily to the demand for railway sleepers for military purposes seems likely to continue for civil requirements. The proposed expenditure represents a normal increase. The administration of the Forest Department in the existing Presidency of Bengal since 1902 furnishes a net profit which has varied from a little over five lakhs to a little under ten lakhs.

Turning now to the Registration Department we find that the income during the last two years has been somewhat checked. On the expenditure side it is proposed to make provision for an improvement in the prospects of the clerks in the rural offices and also for a portion of the reorganisation of the gazetted staff, which was sanctioned by the Secretary of State.

The general head 'Agriculture' covers the subsidiary heads of the Veterinary Department, the Co-operative Credit Department and the Agricultural Department proper. Under the two latter heads considerable advance is being made in accordance with a policy of steady expansion. In the case of the Agricultural Department the extension consists in the increase of District Agricultural farms, District Agricultural officers and seed stores, and in the extension of the distribution of selected seed, while under the head of

*Amended Draft Financial Statement.**Mr. Cumming; Mr. Cowley.*

Co-operative Credit a similar advance has been made in the obligations which the State has undertaken for the purposes of propaganda and control.

Under the head 'Scientific and Miscellaneous Departments' it will be noticed that provision has been made for the extension of Cinchona Plantations in the Darjeeling Hills.

I also beg to introduce the subject 'Ports and Pilotage' under the Marine Department. In addition to the information given in the Statement I need only add that an important matter which is receiving the consideration of Government is the financing of the improvement works for the Port of Chittagong, including the purchase of dredging plant, as recommended by Sir George Buchanan in the report which he submitted under the direction of the Government of India. During the present year a grant of one lakh in addition to a recurring grant of one and-a-half lakh has been sanctioned and the Government of India have agreed to contribute four lakhs next year. A financial programme on the basis of grants and loans is being prepared in consultation with the Port Commissioners of Chittagong for executing a complete works programme within a definite number of years."

LIST OF BUSINESS—ITEM No. 7.

The Hon'ble Mr. Cowley introduced the following heads :—

Revenue—

XXIX.—Irrigation—Major Works.

Expenditure—

42. Irrigation—Major Works—Working expenses.

Revenue—

XXX—Minor Works and Navigation.

Expenditure—

43. Minor Works and Navigation.

Revenue—

XXXI.—Civil Works in charge of the Public Works Department.

Expenditure—

45. Civil Works in charge of the Public Works Department.

He said :— " My Lord, I have the honour to introduce for the consideration of Council the Public Works heads of the Budget entitled 'Irrigation—Major Works, XXIX—Receipts and 42—Expenditure and Minor Works and Navigation, XXX—Receipts and 43—Expenditure.'

The Major Works with which we have to deal in this Presidency are the Midnapur and Hijli Tidal Canals. In regard to these, I have nothing to add to the statements which have been made under this head in paragraphs 44 and 45 of the amended draft Financial Statement. In regard to the head 'Minor

*Amended Draft Financial Statement.**Mr. Cowley.*

Works and Navigation', which is more important in its effect upon the Provincial Revenues, the chief sources of revenue are the tolls received from navigation on the Calcutta Canals, the Sunderbans route and the Madaripur Bil Canal which together form the navigable route for boats and inland steamers between Calcutta and Eastern Bengal. By the construction of a regulating bund to the south and east of the Madaripur Bil Canal, the financial prospects of the Canal which at one time was maintained at a loss to Government, have been improved; so that the project is likely to prove remunerative and to fulfil all the conditions of a Productive Public Work. The recent improvements by dredging in the Lower Kumar river have also been successful; the whole route is now an efficient navigable channel. In this respect, I have nothing to add to the statement made in paragraph 46 of the amended draft Financial Statement.

In regard to the estimates of expenditure under this head I have to refer to the statement made in paragraph 47 of the draft Financial Statement. I may state that the increased provision under 'Capital Expenditure, Madaripur Bil Canal' has been made in the Budget of 1919-20 to enable this Government to start with the scheme for widening of the Madaripur Bil Canal, which has become a matter of urgent necessity owing to the heavy increase in the steamer and barge traffic through the Canal, which is the main artery between Eastern Bengal and Calcutta.

The efforts of Government are largely expended in the conservation and improvement of waterways, i.e., navigable waterways. Inextricably bound up with this question is that of the drainage of the hinterland immediately beyond the reach of the tidal influence and in the upper reaches where tidal influence is felt. We are collecting data to enable us to deal effectually with the whole problem of river improvement.

An example of a project of this nature and one on which we have now been working for some years is the improvement of the Bidyadhari river, and for this a sum of Rs. 2,10,000 has been provided for expenditure during 1919-20.

By extending the tidal spill of the river and training the river by means of groins to obtain a narrow and deep channel, we have succeeded in improving the condition of the river both from the drainage and navigation points of view.

We are also continuing the measures already started for mitigating the effects of the Damodar floods; the exit channels of these floods have been and are being improved, and a scheme for construction of controlling reservoirs has been partly worked up. In this connection I may add that the services of the special officer placed at the disposal of this Government for a period of 18 months have been extended for another year, so that he may be in a position to complete the whole project.

A provision of Rs. 3,16,000 has been made for these remedial measures in the budget estimate for 1919-20, and in connection with the Damodar Reservoir Scheme a sum of Rs. 20,000 has been provided for the further investigation of sites for reservoirs in the Damodar Catchment; the investigations carried out during the year 1918-19 have proved the necessity for the construction of a second reservoir in the valley of the river Damodar apart from and in addition to that proposed on the river Barakar. A sum of Rs. 2,50,000 has been provided in the Irrigation Budget for two large drainage projects, namely, the Amirabad and Pachaboni project in the Contai Subdivision and the Bulli Bil project in the 24-Parganas. The former is the first contribution towards the major Hijli Drainage Scheme.

*Amended Draft Financial Statement.**Mr. Cowlay; Mr. Kerr.*

In regard to measures of *anti-malarial drainage* we have devoted special attention and care to working up projects and the following measures have been started :—

The Arool Bil Project,
The Jaboona Project,
The Nawi Sunti Project,
The Saraswati improvement project,
Baragachia Project,
Monikhally Project,

and the Banka project has been completed : these are all in the Presidency and Burdwan Divisions. Surveys are continuing and new projects being developed.

I have also to introduce for the consideration of the Council the Budget for *Civil Works in charge of the Public Works Department*.

On the receipt side I have nothing to add to the remarks in the amended draft Financial Statement.

The increase of Rs. 40,000 under Establishment in the ensuing year's Budget is necessary chiefly on account of the reversion of several officers from Military duty. After providing for Establishment and Repairs and for the completion of works which will be in progress on the 1st April, there is a sum of over twenty-five lakhs left for new major works the distribution of which is shown on page 52 of the Statement and five lakhs for new minor works distributed amongst all Departments."

The Hon'ble Mr. Kerr said :—

"My Lord, the provision for district partition schemes appears in the Public Works Department budget, but it may be useful if I give a few words of explanation on behalf of the Political Department regarding the present position of the schemes. Last year, as I told the Council, the position in regard to Midnapore was that the Secretary of State had accepted the general principle of the scheme and authorised preliminary work in the way of brick-burning. In August last, he accorded formal sanction to the scheme and we are now in a position to proceed with building operations, subject to such technical or professional sanction as may be necessary to the individual building estimates under the rules of the Public Works Department Code. Work has been greatly hampered by the shortage of building materials and also by the shortage of staff in the Public Works Department owing to the deputation of officers to military duty. We hope that these difficulties will decrease to some extent during the coming year and that we shall be able to complete some of the more important buildings.

In the case of Mymensingh, the complete scheme was submitted to the Government of India last August. The Secretary of State has sanctioned the acquisition of land, which is now in progress and will we hope be completed before the end of this month. The Secretary of State's sanction to the scheme as a whole is still awaited, but we have every reason to hope that it will soon be received and that we shall be able to make a start on the buildings next cold weather.

While we hope to make substantial progress with both the schemes next year, there are the difficulties regarding shortage of staff and material and there is also the fact that formal sanction to the Mymensingh scheme has not yet been received. We have, therefore, thought it right to budget with caution, and the total amount provided for partition schemes in the budget for 1919-20 is only 7 lakhs."

*Amended Draft Financial Statement.**Mr. Wordsworth.***LIST OF BUSINESS—ITEM No. 8.****The Hon'ble Mr. Wordsworth** introduced the following heads :—

Revenue—

XIX.—Education.

Expenditure—

22. Education.

He said :—

“ My Lord, I have the honour to introduce for the consideration of the Council the heads of Revenue and Expenditure of the Education Department.

Revenue.—On the receipts' side of the budget there is nothing deserving of remark except that receipts are steadily increasing. From Rs. 8,86,574 in 1915-16, they have risen to an estimate of Rs. 10,29,000 for the next financial year. The increase is due to larger collections on account of fees from Government Colleges and Schools, General.

Expenditure.—Till 1914-15, the Education budget shewed uninterrupted growth and progress. But the abnormal conditions induced by the War checked progress and it took some time to recover lost ground. It is however satisfactory to note that expenditure on education has now not only attained its former figure but is rising beyond it. The figures on page 30 of the Financial Statement explain the situation.

The sanctioned budget for the current financial year stood at Rs. 1,03,01,000. From what has been spent during the first nine months of the year, it is anticipated that the expenditure during the year will fall short of the sanctioned estimate. The deficit in the expenditure is due to—

- (1) non-utilisation in full of the Imperial grants, as certain of the proposed schemes have been sanctioned only in part,
- (2) transfer of money to the Public Works Department for educational works,
- (3) deputation to military duty of several officers of the Department, with consequent saving of salaries and house allowances,
- (4) stoppage of the payment of exchange compensation allowance,
- (5) impossibility of recruiting officers for the Indian Educational Service, and
- (6) decrease in contingent expenditure on account of the economy enforced by war conditions.

The budget for the year in prospect has been placed at Rs. 97,86,000, a figure below the sanctioned estimate for the current financial year, but in advance of the revised estimate by Rs. 12,86,000. The final budget figure has been kept down by allowing large deductions for probable savings and rounding. In reality, the budget provides for a much larger expenditure than the final figure would seem to warrant, inasmuch as deductions have been made from totals, but not from detailed heads.

Many new items are included in the programme of educational expenditure for next year. These are fully explained in the Financial Statement on pages 70-72.

*Amended Draft Financial Statement.**Mr. Wordsworth.*

Besides the expenditure proposed under the main head, an amount of Rs. 1,95,000 will be spent by the Public Works Department on original building works of the Department. Details of these works will be found on page 52 of the Financial Statement.

"The education portion of the Civil estimates presented along with the Financial Statement is novel in some respects. A word of explanation may be useful in reference to the arrangement and grouping of heads observed in the present estimates. Certain detailed and sub-heads, unauthorised by the Government of India, had crept into the budget and the accounts of the Department. These unnecessary heads have now been removed or combined with other heads, the existing sub-heads being in certain cases suitably re-named. For example, the head 'Arts Colleges' includes 'Arts Colleges for Boys' and 'Arts College for Girls,' the head 'Secondary Schools, English' includes 'High Schools for Boys,' 'High Schools for Girls,' 'Middle English Schools for Boys' and 'Middle English Schools for Girl'".

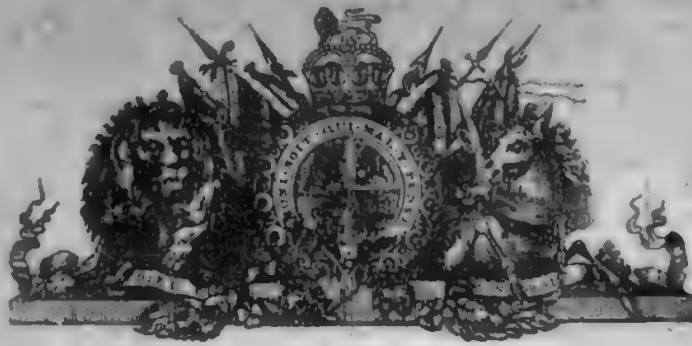
ADJOURNMENT.

The Council was then adjourned to Thursday, the 13th March, 1919, at 11 A.M. at Government House, Calcutta.

A. M. HUTCHISON.

*Secy. to the Govt. of Bengal and
Secy. to the Bengal Legislative Council (Offg.).*

CALCUTTA;
The 15th March, 1919.



The Calcutta Gazette

WEDNESDAY, APRIL 9, 1919.

PART IVA.

Proceedings of the Bengal Legislative Council.

GOVERNMENT OF BENGAL.

LEGISLATIVE DEPARTMENT.

Abstract of the Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act, 1915.

THE Council met in the Council Chamber at Government House, Calcutta, on Thursday, the 13th March, 1919, at 11 A.M.

Present :

His Excellency the Right Hon'ble LAWRENCE JOHN LUMLEY DUNDAS, EARL OF RONALDSHAY, G.C.I.E., *Governor of the Presidency of Fort William in Bengal, presiding.*

The Hon'ble SIR HENRY WHEELER, K.C.I.E., C.S.I.

The Hon'ble MR. J. G. CUMMING, C.S.I., C.I.E.

The Hon'ble SIR BIJAY CHAND MAHTAB, K.C.S.I., K.C.I.E., I.O.M., MAHARAJA-DHIRAJA BAHADUR OF BURDWAN.

The Hon'ble MR. J. H. KERR, C.S.I., C.I.E.

The Hon'ble MR. C. J. STEVENSON-MOORE, C.V.O.

The Hon'ble MR. F. C. FRENCH, C.S.I.

The Hon'ble MR. J. DONALD, C.I.E.

The Hon'ble MR. L. S. S. O'MALLEY, C.I.E.

The Hon'ble MR. H. P. DUVAL.

The Hon'ble MR. M. C. McALPIN.

The Hon'ble MR. F. A. A. COWLEY.

The Hon'ble COLONEL J. K. CLOSE, M.D., L.M.S.

The Hon'ble Mr. W. C. WORDSWORTH.

The Hon'ble Mr. C. F. PAYNE.

The Hon'ble Mr. S. G. HART.

The Hon'ble KHAN BAHADUR MAULVI AMINUL ISLAM.

The Hon'ble SIR RAJENDRA NATH MOOKERJEE, K.C.I.E.

The Hon'ble SIR NILRATAN SARKAR, Kt.

The Hon'ble Mr. R. V. MANSELL, O.B.E.

The Hon'ble Mr. W. H. H. ARDEN WOOD, C.I.E.

The Hon'ble Mr. AMINUR RAHMAN.

The Hon'ble RAJA HRISHIKESH LAHA, C.I.E.

The Hon'ble Mr. L. V. N. MEARES.

The Hon'ble Mr. PROVASH CHUNDER MITTER, C.I.E.

The Hon'ble BABU SIV NARAYAN MUKHARJI.

The Hon'ble KUMAR SHIB SHEKHARESWAR RAY.

The Hon'ble Mr. ARUN CHANDRA SINGHA

The Hon'ble RAI DEBENDER CHUNDER GHOSE BAHADUR.

The Hon'ble RAI RADHA CHARAN PAL BAHADUR.

The Hon'ble Mr. F. W. CARTER, C.I.E., C.B.E.

The Hon'ble Mr. W. E. CRUM, O.B.E.

The Hon'ble Mr. W. H. PHELPS.

The Hon'ble Mr. G. A. BAYLEY.

The Hon'ble Mr. H. R. A. IRWIN, C.I.E.

The Hon'ble DR. ABDULLA-AL-MAMUN SUHRAWARDY.

The Hon'ble MAULVI ABUL KASEM.

The Hon'ble Mr. M. ASHRAF ALI KHAN CHAUDHURI.

The Hon'ble MAULVI A. K. FAZL-UL-HAQ.

The Hon'ble KHAN SAHIB AMAN ALI.

The Hon'ble BABU BHABENDRA CHANDRA RAY.

The Hon'ble Mr. ALTAF ALI.

The Hon'ble RAI SRI NATH RAY BAHADUR.

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR.

The Hon'ble BABU SUBENDRA NATH RAY.

The Hon'ble BABU KISHORI MOHAN CHAUDHURI.

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR.

*Oath of allegiance ; Questions and Answers.***OATH OF ALLEGIANCE.**

The Hon'ble COLONEL J. K. CLOSE and the Hon'ble MR. R. V. MANSELL made an oath of their allegiance to the Crown.

LIST OF BUSINESS—ITEM No. 1.**STARRED QUESTIONS.**

The following questions which had been starred were put and answered :—

By the Hon'ble Rai Radha Charan Pal Bahadur:—

•1.

(a) Is it a fact that a memorial was addressed to His Excellency the Governor of Bengal by the lower grade assistants of the Bengal Secretariat in December, 1917?

Memorial of the lower grade assistants of the Bengal Secretariat.

(b) If so, will the Government be pleased to state what action, if any, has been taken on it?

(c) Is it a fact—

(i) that the strength of the upper division is not sufficient to cope with the work, and that a fairly large number of the lower division assistants are actually employed to do the work without proper remuneration;

(ii) that many deserving assistants in the lower division who entered the Secretariat long before the re-organization scheme of 1910 and have put in a qualifying service of 15 years or more, are still in the grade of Rs. 70 or Rs. 80 and have not yet been promoted to the upper division; and

(iii) that many outsiders who have been appointed direct to the upper division do not possess the necessary office experience or better educational qualifications and in most cases do routine work?

(d) Will the Government be pleased to state the number of candidates who appeared at the clerkship examination for admission into the lower grade of the Bengal Secretariat during the years 1916, 1917 and 1918, as well as the number of vacancies which occurred in those years?

Answer by the Hon'ble Mr. Donald:—

" (a) Yes.

(b) It was held that the lower division clerks had no cause for complaint, except that in the case of two Departments orders passed in 1910 regarding the promotion of such clerks to the upper division had not been fully adhered to. Steps have been taken to remedy this grievance.

(c) (i) No.

(ii) No.

(iii) No.

(d) 1916

1917

1918

Cand dates.

Vacancies.

... 4

17

... 17

7

... 16

10

*Questions and Answers.***By the Hon'ble Rai Debender Chunder Ghose Bahadur:—*****II.**

Cost of primary
education in
the United
Kingdom.

Will the Government be pleased to state what proportion of the cost of primary education controlled or provided by local bodies in England, Wales, Scotland and Ireland is contributed by the State in those parts of the United Kingdom, respectively, so far as such information is available to the Government?

Answer by the Hon'ble Mr. O'Malley:—

"On the average of the five pre-war years 46·9 per cent. of the total expenditure on elementary education in England and Wales was from Parliamentary grants. Statistics for the war years are not available since the compilation of statistics in England and Wales was suspended during the war. For comparative purposes, therefore, the five pre-war years have been taken in the case of Scotland and Ireland. Expenditure from Parliamentary grants for education in Scotland during this period was 54·2 per cent. of the total expenditure by School Boards. It is not possible to say how much of this was on "elementary" as opposed to "secondary" schools, both of which are, in accordance with the Education Act of 1872, under School Boards. In Ireland the expenditure by the Commissioners of National Education from Parliamentary grants in the same quinquennial period was 84·9 per cent. This latter figure excludes 3·5 per cent. which is provided for the erection and maintenance of school houses provided for in the vote of the Board of Works."

UNSTARRED QUESTIONS.*(Answers to which were laid on the table)***By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—****1.**

Primary
education in
Bengal.

(a) With reference to the observations made by the Hon'ble Mr. Hornell, in connection with the discussion of the budget in April, 1915, in which he expressed his anxiety to overhaul the whole system of primary education, will the Government be pleased to state what progress, if any, has since been made in the matter, and when the whole question is likely to be referred to a "large committee" as foreshadowed by Mr. Hornell in his said speech?

(b) Has Mr. Hornell drawn up any programme in this connection?

Answer by the Hon'ble Mr. O'Malley:—

"(a) The reorganization of the system of primary education involves a number of reforms such as—

- (1) the improvement of the pay and prospects of teachers,
- (2) the training of teachers,
- (3) the establishment of more primary schools and the proper maintenance and equipment of those already established, and
- (4) the revision of the curriculum.

Progress has been impeded by financial exigencies imposed by the war, but during the quinquennium ending in 1917-18 the pay of trained teachers in aided primary schools and *maktabs* for boys was increased by Rs. 6 a month with the help of Imperial grants and that of untrained teachers by Re. 1 a month. An allotment has since been made from the 5½ lakhs grant to enable local bodies to raise the stipends of untrained teachers to Rs. 2 a month where they are below that figure. The stipends of *gurus* under training have been raised to Rs. 10 a month and a comprehensive scheme for training teachers has been prepared which will require the sanction of the Secretary of State. A scheme for establishing a lower primary school of an

Questions and Answers.

improved type in each panchayati union has been held in abeyance owing to financial stringency, but will now be resumed: it is hoped shortly to establish 120 schools of this class. As regards maintenance and equipment, arrangements have been made for district boards undertaking the annual repair of Board primary schools, Government contributing two-thirds of the cost, and about 50 per cent. of the existing primary schools have been furnished with additional equipment. A survey of primary education both in Calcutta and the districts has been carried out; and a revised curriculum has been prepared, which it is proposed to publish for criticism. It is not at present proposed to convene a committee.

(b) Mr. Hornell, who has been on deputation since the latter part of 1917, had a definite plan of action but did not submit a programme to Government."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

2.

(a) Are the Government aware that there is, in Bengal, a particular class of people who practise with remarkable success an indigenous system of treatment, and supply nurses, in small-pox cases? Indigenous system of treatment of small-pox.

(b) Has the attention of Government been drawn to the action recently taken by the District Board of Mymensingh in announcing rewards and prizes to these men for their encouragement and for promotion of the system of treatment they practise?

(c) Is it a fact that the number of these men has been decreasing in recent years?

(d) Are the Government considering the desirability of taking steps to insure that the above indigenous system of treatment of small-pox largely availed of by the people, particularly in rural areas, and often with very good results, may not die out for want of support?

Answer by the Hon'ble Mr. Donald:—

"(a) Government have made inquiry as to the facts relative to the Mymensingh district. It is said that there exists there a class of people called *tikadars* who nurse small-pox patients, but it is not clear that these persons possess or even claim to possess an indigenous system of treatment.

(b) and (c) In November last the Mymensingh District Board resolved to allot a sum of Rs. 2,000, in the budget for 1919-20, for rewards to persons credibly reported to have nursed small-pox patients. The sanitation committee of the Board had expressed the opinion that it was desirable to prevent the class of *tikadars* from dying out.

(d) The information available does not permit of a definite answer; further inquiry will be made."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

3.

(a) Are the Government in a position to make a statement showing how far the utilisation by the people of water-hyacinth for manurial and commercial purposes has helped to check the spread of the plant in the water-courses of Eastern Bengal? Spread of water-hyacinth in Eastern Bengal.

(b) Is it a fact that Mr. R. S. Finlow, Fibre Expert, Government of Bengal, is of opinion that the low grade ash of water-hyacinth growing in shallow water cannot benefit either the producer or the buyer?

Questions and Answers.

(c) Is it also a fact that the low grade ash has only a restricted use as a manure and that Messrs. Shaw, Wallace & Co. are not prepared to buy water-hyacinth ash containing less than 15 per cent. of potash?

(d) If so, how do the Government propose to deal with the problem of checking the spread of water-hyacinth?

Answer by the Hon'ble Mr. McAlpin:—

"(a) It is too early to make any definite pronouncement on the subject. On inquiry it is, however, found that a considerable and increasing quantity of the plant is being used by the people for manure and fodder for cattle and also as fuel.

(b) Mr. R. S. Finlow, Fibre Expert to this Government, is of opinion that for commercial purposes the production of low grade ash will be unprofitable, but that for manurial purposes on the part of the producer or his immediate neighbours it is of value commensurate with its potash content.

(c) As to the first part of the question the Hon'ble Member is referred to the reply to question (b). The answer to the second part is in the affirmative.

(d) The question assumes that, because the low grade ash has only a restricted use, the problem of checking the spread of water-hyacinth is seriously affected thereby. This is not the case, as experiments show that a considerable proportion of the plant is capable of yielding an ash of sufficiently good quality for commercial purposes; moreover, a simple process has been evolved for extracting the potash in the form of crystals.

The fact that low grade ash has only a restricted use is also not an undesirable drawback; for it is obvious that, if the ash were too profitable, there would be a tendency to cultivate the plant rather than to exterminate it.

At present it is considered that the best method of checking the spread of the pest is the extended destruction and utilisation of the plant by the people for (i) manure, (ii) fuel, (iii) fodder and (iv) the manufacture of ash.

The Public Works Department of this Government are taking steps to root out the plant gradually from all canals or *khals* maintained by Government or declared under the Canals or Embankment Act. Some of the District Boards are also co-operating in the matter of extermination."

By the Hon'ble Babu Bhabendra Chandra Ray:—

4.

With reference to my unstarred question No. 15, asked at the meeting of the Council on the 18th February last, suggesting that opinions should be invited from the local bodies regarding the proposals contained in the Government of India Resolution on Local Self-Government dated the 16th May, 1918, and the reply thereto, are the Government aware that opinions have been so invited and collected by the Government of Madras, and that the Government of the United Provinces of Agra and Oudh have appointed a committee consisting of the official and non-official members of the Legislative Council to consider the proposals made in the said resolution?

Answer by the Hon'ble Mr. O'Malley:—

"This Government have no information on the subject."

*Questions and Answers.***By the Hon'ble Babu Bhabendra Chandra Ray:—**

5.

With reference to my unstarred question No. 16 asked at the meeting of the Council on the 18th February last, inquiring as to whether Government have addressed the district boards for the purpose of ascertaining which among them desire to have non-official chairmen, are the Government aware that the Government of Bihar and Orissa have addressed the district boards in the matter?

Collection of opinions of district boards as to which of them desire non-official chairmen.

Answer by the Hon'ble Mr. O'Malley:—

"The reply is in the negative. As stated in the reply to question No. 16 asked at the meeting of the Council on 18th February, 1919, Government are considering the question of extending the system of elected non-official chairmen of district boards; and it is hoped to make an announcement on the subject shortly."

By the Hon'ble Babu Bhabendra Chandra Ray:—

6.

Are the Government aware of the procedure by which, under rule 13 of the United Provinces Legislative Council Rules, a committee of official and non-official members of the Council is appointed to consider and recommend legislation on any particular subject, before a Bill is formally introduced into the Legislative Council of the United Provinces?

Procedure under rule 13 of the United Provinces Legislative Council Rules regarding appointment of a committee to consider legislation.

Answer by the Hon'ble Mr. Kerr:—

"Rule 13 of the United Provinces rules for the conduct of business empowers the President of the Council to appoint a committee of members of the Council for the consideration of any question of public interest on which legislation is proposed or likely to be required, and also to appoint a chairman of such committee."

The procedure for the appointment of such committee and of the chairman of such committee appears to be for the President to announce these appointments at a meeting of the Legislative Council."

By the Hon'ble Babu Bhabendra Chandra Ray :—

7.

Are the Government aware of the existence of a Board of Education in the United Provinces, and of its constitution and functions?

United Provinces Board of Education.

Answer by the Hon'ble Mr. O'Malley:—

"The answer is in the affirmative."

By the Hon'ble Babu Bhabendra Chandra Ray :—

8.

(a) With reference to the questions asked at previous meetings of the Council regarding the imported Rangoon rice, the wholesale price of which has been fixed by Government for the Calcutta market, have the Government any information as to the appropriate wholesale and retail rates at which the said rice is available in the different district towns and subdivisional headquarters, as compared with the wholesale and retail rates in Calcutta?

Wholesale and retail prices of Rangoon rice.

Questions and Answers.

(b) (i) What quantities of the said rice have been imported into Calcutta, since its wholesale price was fixed;

(ii) how much thereof has been exported beyond the limits of Bengal; and

(iii) how much of the same has been supplied to the different districts?

Answer by the Hon'ble Mr. McAlpin:—

"(a) In view of the reply to question (b) (iii) this question asks for the solution of a hypothetical problem.

(b) (i) 79,485 tons passed through the Customs up to the end of February.

(ii) It is calculated that 47,000 tons out of the above amount were exported to other provinces up to the end of February.

(iii) So far as is known, nothing has been despatched to any district in Bengal."

By the Hon'ble Babu Bhabendra Chandra Ray:—

9.

Organisation of
a Provincial
Department of
Industries.

(a) Are the Government considering the question of the organisation of a Provincial Department of Industries on the lines recommended by the Industries Commission?

(b) Is it a fact that the Government of India have asked for the views of the Local Government on the said question?

(c) If so, have the Government formulated their views thereon?

Answer by the Hon'ble Mr. Donald:—

"(a) Yes.

(b) Yes.

(c) The matter is under the consideration of Government, but it is hoped that it will shortly be possible to initiate action on the lines of the Report."

By the Hon'ble Babu Bhabendra Chandra Ray:—

10.

Outbreak of
dacoities.

(a) Is it a fact that there has been recently an unusual outbreak of dacoities in certain parts of the province?

(b) Is it also a fact that an unusually large number of dacoities have been committed in the district of Bogra during recent months? If so, what special measures have been adopted for preventing and detecting such crimes in the said district, and with what results?

Answer by the Hon'ble Mr. Kerr:—

"(a) Yes. 753 cases of dacoity were reported in 1918, against 525 in 1917. The increase is most noticeable in the districts of Bogra, Rajshahi, Dinajpur, Pabna, Bakarganj, Hooghly, Birbhum, Murshidabad and Nadia.

(b) Yes. Twenty-seven cases of dacoity were reported in the Bogra district during the last half of the year 1918, against seven cases during the corresponding period of 1917.

Questions and Answers.

The following special measures have been taken to deal with the outbreak in this district, viz. :—

- (i) An extra Assistant Superintendent of Police was posted there in January last.
- (ii) Special police patrols have been introduced with the assistance of an extra force of sub-inspectors and constables.
- (iii) Four officers of the Criminal Investigation Department are assisting in the investigation of the cases.

Several specific cases have been detected and it is believed that the gangs responsible for the outbreak have been traced. Since the introduction of these special measures, the number of cases has decreased."

By the Hon'ble Maulvi A. K. Fazl-ul-Haq:—

11.

Will the Government be pleased to state—

- (i) the names of the journalists who have been dealt with under the provisions of the Defence of India (Criminal Law Amendment) Act, 1915, up to the 31st January, 1919, and
- (ii) the reasons for taking action in each case?

Action
against
journalists
under Act
IV of 1915.

Answer by the Hon'ble Mr. Kerr:—

"Orders under the Defence of India Rules have been passed in respect of 22 persons who were journalists by profession, but in 13 of these cases the reasons for the orders were not connected with the journalistic activities of the persons concerned. Government do not consider it advisable in the public interests to give the names of the individuals, or the detailed reasons for the action taken. In each case the Local Government were satisfied that there were reasonable grounds for believing that the individual in respect of whom the order was passed had acted, was acting or was about to act in a manner prejudicial to the public safety."

By the Hon'ble Babu Siv Narayan Mukharji:—

12.

Will the Government be pleased to lay on the table the complete registers of water-supply up to date, the maintenance of which is authorised in Government resolution No. 15-18 L.S.-G., dated the 11th November, 1912?

Registers of
water-supply.

Answer by the Hon'ble Mr. O'Malley:—

"Government regret that they are unable to comply with the request owing to the undue amount of labour which would be involved in making copies of the registers for all districts. The registers, for instance, of the 24 Parganas alone are contained in 38 volumes."

By the Hon'ble Babu Siv Narayan Mukharji:—

13.

Will the Government be pleased to lay on the table a statement showing the amount of Public Works cesses that is credited annually to the funds of the district boards of the Presidency and the expenditure incurred on sanitary and anti-malarial measures by the district boards, sub-division by sub-division, of the several districts, since the transfer of the Public Works cess to the district boards was effected in November, 1913?

Public Works
cesses credited
to district
boards.

*Questions and Answers.***Answer by the Hon'ble Mr. O'Malley:—**

" A statement is laid on the table. The information asked for as to the expenditure on anti-malarial measures is not available, as such expenditure is entered under different heads and figures for different sub-divisions are not compiled."

Statement referred to in the answer by the Hon'ble MR. O'MALLEY to question No. 13 (unstarred) asked by the Hon'ble BABU SIV NARAYAN MUKHARJI at the Council Meeting of the 13th March, 1919, showing the amount of Public Works cesses credited to District Boards from 1913-14 to 1917-18.

NAME OF DISTRICT BOARD.	AMOUNT OF PUBLIC WORKS CESS (INCLUDING INTEREST ON ARREAR CESS) CREDITED IN THE YEAR—				
	1913-14.	1914-15.	1915-16.	1916-17.	1917-18.
	Rs.	Rs.	Rs.	Rs.	Rs.
Burdwan	2,01,292	2,63,348	2,62,592	3,19,920	3,08,808
Birbhum	82,377	78,348	82,649	77,163	80,762
Bankura	56,015	57,977	51,906	55,564	55,382
Midnapore	2,01,262	2,03,593	2,17,058	2,01,539	2,04,371
Hooghly	1,09,356	1,06,112	1,06,894	1,05,505	1,05,058
Howrah	54,850	53,056	53,447	52,752	57,481
24-Parganas	1,73,302	2,15,318	2,40,345	2,31,384	2,18,791
Nadia	90,040	82,060	1,04,444	1,08,116	1,00,007
Murshidabad	90,732	83,807	92,186	88,511	87,732
Jessore	65,809	1,04,684	1,09,871	1,18,428	1,17,877
Khulna	1,14,283	1,12,246	1,12,015	1,24,674	1,24,142
Dacca	1,20,323	1,31,092	1,25,092	1,33,085	1,35,237
Mymensingh	2,77,168	2,48,930	2,74,842	2,66,412	2,80,588
Faridpur	80,741	93,315	1,18,771	1,23,675	1,21,850
Bakarganj	2,22,182	2,16,961	2,24,092	2,27,863	2,21,798
Chittagong	1,30,188	1,21,867	1,20,436	1,24,356	1,20,209
Tippera	1,30,559	1,24,116	1,28,400	1,49,811	1,35,069
Noakhali	1,07,555	1,11,131	1,09,908	1,20,191	1,06,388
Rajshahi	1,04,853	1,03,642	1,03,164	1,07,029	1,08,654
Dinajpur	1,02,534	1,02,584	1,16,321	1,22,506	1,16,361
Jalpaiguri	81,681	83,424	1,09,129	1,15,744	1,13,708
Rangpur	1,68,659	1,62,217	1,76,925	1,73,360	1,60,985
Bogra	65,211	62,485	66,988	63,339	63,348
Pabna	82,487	79,964	83,701	86,730	79,734
Malda	56,078	53,847	56,944	54,638	58,649

By the Hon'ble Babu Siv Narayan Mukharji:—

14.

Relaxation of the rule re contribution of one-third of the cost of water-supply.

(a) Will the Government be pleased to state whether the rule insisting on the contribution of a third of the cost of works on water-supply has been relaxed? If not, why not?

Questions and Answers.

(b) Is the number of cases in which the rule has been so relaxed small? If so, are the Government considering the advisability of impressing on the district boards the necessity of taking adequate measures for the supply of pure drinking-water in the rural areas on an extensive scale, in view of the fact that the funds of the district boards have at present been augmented by the surrender of the Public Works cess?

Answer by the Hon'ble Mr. O'Malley:—

"(a) In circular No. 15 L.S.-G., dated 17th February, 1917, of which a copy is laid on the table, it was made clear that there is no rule or order of Government requiring the local public to contribute one-third of the cost of improving the water-supply in rural areas.

(b) The question does not arise."

Circular referred to in the answer by the Hon'ble Mr. O'MALLEY to question No. 14 (unstarred) asked by the Hon'ble Babu SIV NARAYAN MUKHARJI at the Council meeting of the 13th March, 1919.

Circular No. 15 L.S.-G., dated Calcutta, the 17th February, 1917.

From—L. S. S. O'MALLEY, Esq., I.C.S., Secretary to the Government of Bengal, Municipal Department,

To—All Commissioners of Divisions.

In continuation of the correspondence ending with Circular No. 13 L.S.-G., dated the 12th March, 1917, on the subject of expenditure on water-supply by District Boards, I am directed to forward a copy of a question asked and of the answer given to it at the meeting of the Bengal Legislative Council held on the 23rd January, 1917.

2. In circular No. 12 T.—M., dated the 20th May, 1904, Government made a promise that it would contribute a third of the cost of improving the water-supply in rural areas subject to a maximum of Rs. 5,000 for any one district and of Rs. 50,000 for the whole province, provided that the District Boards contributed one-third of the cost and the public another third. The condition that the public should contribute one-third of the cost before a Government grant was made was withdrawn in Eastern Bengal by Government letter No. 4945 M., dated the 20th July, 1908, to the Secretary, Sanitary Board, Eastern Bengal and Assam, in which it was stated that the grant placed at the disposal of the Sanitary Board for the improvement of the water-supply in rural areas should be allotted under such agreements as to private contributions as they might find practicable and suitable to local conditions. In West Bengal the condition was withdrawn in Circular No. 16 T.—L.S.-G., dated the 4th October, 1911, in which Government agreed to contribute one-third of the expenditure incurred by District Boards in any one year on the improvement of the local water-supply subject to a maximum of Rs. 3,000 in each case, irrespective of the amount contributed by the public. It was at the same time explained that the expenditure of the District Boards should supplement and not supersede local efforts. Subsequently the District Funds were considerably augmented by the surrender of the Public Works cess, and it was accordingly announced in resolution No. 228 L.S.-G., dated the 24th January, 1914, that Government would in future give no special grants for the improvement of water supply in rural areas as the District Boards should have no difficulty in providing sufficient funds for the purpose.

3. I am to request that you will make it clear to District Boards in your division that there is no rule or order of Government requiring that the local public should contribute one-third of the cost of improving the water-supply. It is left to the discretion of the District Boards to decide what contribution the public should make, but as stated in Circular No. 16 T.—L.S.-G., dated the 4th October, 1911, the idea should not be allowed to gain ground that the need for local co-operation has disappeared.

[4. A copy of Circular No. 16 T.—L.S.-G., dated the 4th October, 1911, is enclosed.] [] To East Bengal Commissioners only.

Questions and Answers.

Question asked and the answer given to it at the meeting of the Bengal Legislative Council held on the 23rd January, 1917.

Question.—With reference to the remarks made by the Hon'ble Nawab Sir Syed Shams-ul-Huda in the course of the debate on the rural water-supply resolution, moved in the Council by the Hon'ble Mr. P. C. Mitter in September last, are the Government considering the advisability of withdrawing the circular issued under orders of Sir Andrew Fraser which insisted upon a local contribution of one-third of the total expenses of excavating tanks, etc?

Answer.—The circular of 1904 to which the Hon'ble Member refers laid down *inter alia* that one-third of the cost of any project for improving the supply of drinking-water in rural areas should be met from public subscriptions before a Government grant was made. This condition was withdrawn by the Government of Eastern Bengal and Assam in 1908, and by the Government of Bengal in 1911. The orders contained in the circular of 1904 applied only when grants were made by Government to District Boards for the improvement of the rural water-supply and not when District Boards spent money for this purpose without receiving a Government subvention. As there appears to be considerable misapprehension on the subject, a circular will shortly issue explaining the position.

By the Hon'ble Babu Siv Narayan Mukharji:—

15.

Scheme for the erection of refuge mounds on the right side of the Damodar.

With reference to the answer to starred question No. 17 (iii) asked at the Council meeting of the 3rd July 1918, are the Government considering the advisability of developing the scheme for the erection of refuge mounds on the right side of the Damodar into a practical measure by excavating a number of tanks in the spill area, or at any rate for the present in certain important villages or centres within that area, and by utilizing the banks of these tanks to serve the purposes of refuge mounds?

Answer by the Hon'ble Mr. Cowley:—

"Government have under consideration proposals for the construction of refuge mounds on the right bank of the Damodar but not on the lines indicated in the Hon'ble Member's question."

By the Hon'ble Rai Mahendra Chandra Mitra Bahadur:—

16.

Statement of certain cases pending in sub-judges' courts.

Will the Government be pleased to lay on the table a statement showing, district by district, the total number of suits, appeals and miscellaneous cases pending for six months and one year, respectively, in the different sub-judges' courts in the Presidency of Bengal up to December, 1918?

Answer by the Hon'ble Mr. Duval:—

"Statistics are not compiled of cases pending for six months and for one year. A statement showing, district by district, the total number of suits, appeals and miscellaneous cases pending for *over* six months and for *over* one year in courts of the subordinate judges in the Presidency, is laid on the table."

Questions and Answers.

Statement referred to in the answer by the HON'BLE MR. DUVAL to question No. 16 (Unstarred) asked by the HON'BLE RAI MAHENDRA CHANDRA MITRA BAHADUR at the Council meeting of the 13th March, 1919.

Districts.	Courts.	SUITS.			REGULAR APPEALS.			MISCELLANEOUS CASES.								
		Pending.			Pending.			Miscellaneous Judicial cases.			Execution.			Miscellaneous appeals.		
		Total.	Over six months.	Over one year.	Total.	Over six months.	Over one year.	Total.	Over six months.	Over one year.	Total.	Over six months.	Over one year.	Total.	Over six months.	Over one year.
BURDWAN DIVISION.																
Burdwan	Sub-Judge, 1st Court	S. c. c. 49	O. 111	31	31	28	23	1	37	1	128	14	1	...	...	...
	Ditto, 2nd	S. c. c. 101	O. 20	27	20	18	1	7	...	...	73	13	3	...	...	...
	Total	251	60	68	48	41	2	44	1	...	197	27	3	...	...	...
Birbhum	Sub-Judge	S. c. c. 24	O. 137	1	73	13	...	...	...	...	16	...	...	...	...	...
		...	...	...	...	...	...	...	...	...	92	28	18	...	...	...
	Total	181	34	73	13	...	13	60	13	1	108	28	18	...	...	...
Bankura	Sub-Judge	S. c. c. 38	O. 96	29	43	1	...	1	62	2	37	120	16	3	...	...
	
	Total	124	29	43	1	...	1	62	2	27	120	16	3	...	...	...
Midnapore	Sub-Judge, 1st Court	S. c. c. 78	O. 113	35	37	49	17	39	129	10	...	67	13	...	...	...
	Ditto, 2nd	S. c. c. 83	O. 139	13	59	39	7	39	79	1	...	49	6	...	...	...
	Ditto, 3rd	S. c. c. 77	O. 37	34	59	30	32	19	...	...	23	1	...	...	...	...
	Total	431	78	110	140	44	90	367	11	...	199	22	...	...	...	...
Hooghly	Sub-Judge, 1st Court	S. c. c. 3	O. 47	...	2	62	1	77	44	30	7	1	1	...	...	...
	Ditto, 2nd	S. c. c. 77	O. 13	41	29	3	25	36	3	...	65	13	3	...	...	...
	Ditto, 3rd	S. c. c. 82	O. 138	34	42	48	1	42	45	2	...	73	18	7	...	...
	Ditto, Howrah	S. c. c. 177	O. 54	67	38	30	8	49	4	...	59	7	2	...	...	...
	Ditto, Addl. Court, Howrah	S. c. c. 31	O. 1	30	32	30	2	...	4	...	3	...	...	...	...	...
	Ditto, Addl. Court, Hooghly	S. c. c. 37	O. 10	37	55	...	33	5	...	...	1	...	...	...	...	...
	Total	641	118	164	269	65	307	168	29	7	302	39	14	1	1	...
GRAND TOTAL		1,848	317	488	473	140	321	621	55	45	734	137	38	1	1	...
PRESIDENCY DIVISION.																
M-Fargahan	Sub-Judge, 1st Court	S. c. c. 185	O. 49	45	16	15	3	41	...	6	116	37	6	...	...	...
	Ditto, 2nd	S. c. c. 112	O. 29	36	12	11	...	66	6	...	37	7	3	...	...	...
	Ditto, 3rd	S. c. c. 24	O. 105	26	35	26	22	3	63	...	90	6	...	...	...	...
	Ditto, 4th	S. c. c. 142	O. 49	36	17	16	...	99	4	...	30	30	3	...	...	...
	Ditto, Addl. Court	S. c. c. ...	O. ...	...	...	...	...	...	...	...	...	...	...	...	...	...
Total		670	184	131	71	62	6	301	10	6	323	60	12	...	...	...
Nadia	Sub-Judge	S. c. c. 24	O. 168	8	77	25	3	10	23	8	120	4	1	...	...	...
		...	...	...	...	...	...	...	...	...	22	31	19	...	...	...
	Total	182	69	77	25	3	10	42	6	3	213	35	20	...	...	...
Murshidabad	Sub-Judge	S. c. c. 117	O. 167	75	31	6	5	...	41	1	67	8	...	1	...	...
	
	Total	284	75	31	6	5	...	41	1	...	124	8	...	1	...	...
Jessore	Sub-Judge	S. c. c. 46	O. 112	3	23	125	114	9	49	3	168	38	14	...	...	...
	
	Total	188	63	23	125	114	9	49	3	...	168	38	14	...	...	...
Khulna	Sub-Judge, 1st Court	S. c. c. 13	O. 28	13	5	40	39	...	34	1	70	12	...	...	...	...
	Ditto, Addl. Court	S. c. c. 23	O. 64	35	10	30	60	1	33	1	49	8	...	...	...	...
	Total	125	67	19	135	101	1	37	2	...	119	20	...	...	...	...
GRAND TOTAL		1,331	270	377	373	225	20	480	32	9	946	181	46	1	...	...

Questions and Answers.

Districts.	Courts.	SUITS.			REGULAR APPEALS.			MISCELLANEOUS CASES.									
		Pending.			Pending.			Miscellaneous Judicial cases.			Execution.			Miscellaneous appeals.			
		Total.	Over six months.	Over one year.	Total.	Over six months.	Over one year.	Total.	Over six months.	Over one year.	Total.	Over six months.	Over one year.	Total.	Over six months.	Over one year.	
Dacca	Dacca Division.																
	Sub-Judge, 1st Court	808	84	693	4	...	4	16	...	...	77	18	15	...	...	...
	Ditto, 2nd "	381	129	128	1	...	1	54	17	...	84	19	8	...	...	...
	Ditto, 3rd "	...	...	...	11	...	3	46	...	...	1	...	1	...	...	...
	Ditto, 4th "	80	4	35	9	...	2	14	4	...	64	10	1	...	...	...
	Ditto, Addl. Court	84	1	83	33	...	20	31	3	...	92	7	10	...	...	...
	Small Cause Court Judge, Dacca	...	...	...	...	...	...	34	...	...	732	4	4	...	...	...
Small Cause Court Judge, Moulviganj	...	...	...	...	...	...	33	...	...	494	...	...	...	...	...
	Total	1,003	8	...	...	...	...	...	...	...	...	...	...	...	...	...
Mymensingh	Mymensingh Division.																
	Sub-Judge 1st Court	74	...	...	183	14	...	22	...	...	417	8	...	...	...	...
	Ditto, 2nd "	146	65	8	187	24	1	11	...	...	54	4	...	6	...	...
	Ditto, 3rd "	128	41	43	...	...	...	...	...	...	...	...	...	...	...	...
	Ditto, 4th "	67	35	7	82	40	...	17	3	...	68	6	3	...	...	...
	Ditto, Addl. Court	149	48	59	169	92	1	19	...	...	59	10	...	3	...	...
	Total	673	179	95	541	170	2	69	3	...	596	26	2	8	...	...
Faridpur	Faridpur Division.																
	Sub-Judge, 1st Court	18	...	...	373	186	118	86	20	3	249	14	19	20	11	...
	Ditto, 2nd "	169	70	71	374	147	80	84	5	1	88	16	7	39	9	1	
	Total	187	100	149	646	333	198	119	25	4	337	30	26	59	20	1	
Bakerganj	Bakerganj Division.																
	Sub-Judge, 1st Court	26	...	...	366	335	38	41	1	...	177	11	9	30	33	1
	Ditto, 2nd "	49	17	9	463	268	109	89	7	...	96	18	4	38	16	...	
	Ditto, Addl. Court	106	34	42	78	18	63	13	...	...	13	3	...	8	9	...
	Total	181	50	59	897	621	209	143	8	...	286	31	13	76	41	1	
	GRAND TOTAL	3,803	599	1,167	2,129	1,016	393	511	89	4	2,710	148	84	128	61	3	
Rajshahi	RAJSHAMI Division.																
	Sub-Judge	117	...	...	18	3	14	38	...	...	216	16	3	...	...	...
	Ditto, Addl. Court	128	43	13	...	...	...	...	...	...	...	...	...	...	...	...
	Ditto, Addl. Court	31	...	31	30	...	20	8	...	...	6	3	...	...	...	...
		Total	245	42	23	28	3	34	46	222	19	3
	Dinajpur	Dinajpur Division.															
		Sub-Judge	31	61	1	60	6	3	...	116	1	...	6	...	6
Ditto, Jalpaiguri		69	28	28	...	...	...	12	8	...	48	8	...	...	...	...
Deputy Commissioner, Sub-Judge, Darjeeling		37	11	14	117	64	...	19	...	...	81	6	2	19	1	...
Small Cause Court Judge, Darjeeling		1	1	...	1	...	...	2	...	...	...	...	...	...	...	...
Small Cause Court Judge, Kurmooing		141	...	...	...	...	...	3	...	...	79	...	...	...	...	...
	Total	236	39	43	179	68	60	36	8	...	276	14	3	16	1	6	
Rangpur	Rangpur Division.																
	Sub-Judge	223	2	1	42	37	3	41	1	...	356	19	5	...	...	...
	Ditto, Addl. Court	123	35	24	...	...	...	...	...	...	...	...	...	...	...	...
	Total	346	37	25	42	37	3	41	1	...	356	19	5	...	...	...
Pabna and Bogra	Pabna and Bogra Division.																
	Sub-Judge, 1st Court	26	...	...	31	24	2	46	...	...	241	2	...	...	...	...
	Ditto, 2nd "	30	14	7	...	...	...	...	...	...	...	...	...	...	...	...
	Ditto, Addl. Court	63	18	12	18	14	4	41	0	1	179	19	6	...	...	...
	Ditto, Bogra	9	4	5	8	...	...	...	...	...	1	...	...	1	...	...
	Total	168	35	34	59	48	6	87	...	...	262	20	11	2	1	1
	GRAND TOTAL	1,889	194	141	293	149	103	388	15	1	1,644	77	19	81	2	7	
Tippera	CHITTAGONG Division.																
	Sub-Judge, 1st Court	2	...	...	134	126	...	48	...	...	296	39	...	...	...	...
	Ditto, 2nd "	113	38	26	...	...	...	...	...	...	...	...	...	...	...	...
	Ditto, 3rd "	108	30	20	156	106	...	31	...	...	271	1	...	...	...	...
	Total	123	68	46	290	232	...	79	...	...	567	40	...	...	...	...
Noakhali	Noakhali Division.																
	Sub-Judge	245	27	...	7	...	...	...	...	...	437	37	...	...	...	...
	Ditto, Addl. Court	199	98	57	...	...	...	108	19	...	99	34	4	...	...	...
	Total	444	125	57	7	1	5	108	19	...	536	71	4	...	...	...
Chittagong	Chittagong Division.																
	Sub-Judge, 1st Court	24	...	...	347	293	...	30	...	...	89	3	1	17	3	...
	Ditto, 2nd "	74	27	14	...	...	...	...	...	...	...	...	...	...	...	...
	Total	98	27	14	347	293	...	30	...	...	89	3	1	17	3	...
	GRAND TOTAL	1,164	379	160	1,104	689	68	397	36	1	1,644	149	17	87	23	...	

Questions and Answers.

By the Hon'ble Rai Mahendra Chandra Mitra Bahadur:—

17.

Will the Government be pleased to lay on the table a statement showing, in tabular form, the total number of—

(a) original civil suits, and

(b) (i) title, (ii) rent, (iii) money, and (iv) miscellaneous, appeals

Number of original civil suits and certain appeals cases decided during the years 1915-17.

decided by each of (1) the sub-judges, (2) the district judges and (3) the additional judges, in the various districts in the Presidency of Bengal during each of the three years 1915, 1916 and 1917?

Answer by the Hon'ble Mr. Duval:—

" Government have no information beyond that contained in the annual reports of the High Court on the administration of Civil Justice, to which the Hon'ble Member is referred. Government are not prepared to undertake the compilation of further statistics as it would involve an amount of trouble and labour wholly incommensurate with any object to be achieved."

By the Hon'ble Rai Mahendra Chandra Mitra Bahadur:—

18.

(a) Is it a fact that the litigants of the Court of Small Causes, Calcutta, experience inconvenience in filing suits for the want of the requisite stamps on the day they intend to file a suit and during the hours usually fixed for filing suits in the said court?

Inconvenience of the litigants of the Calcutta Small Cause Court for want of stamps.

(b) What is the average number of stamps sold *per diem* there?

(c) What is the total number of suits filed daily during the month of January and up to the 15th February, 1919, in the said court?

(d) Will the Government be pleased to state the present arrangements for the sale of stamps in the said court?

(e) Are the Government considering the advisability of making some suitable arrangements to cope with the work in connection with the sale of stamps for the convenience of the suitors?

Answer by the Hon'ble Mr. Duval:—

" (a) It is a fact that inconvenience has been recently experienced.

(b) 620-2.

(c) A statement is laid on the table.

(d) and (e) There are two salaried stamp vendors in the court. Owing to the absence in November last of one of them, who had an attack of influenza, inconvenience was caused to litigants and legal practitioners. On the representation of the Registrar and subsequently of the pleaders of the court, the Collector of Stamp Revenue has directed the sale of stamps up to 4 P.M. instead of up to 2-30 P.M. and is considering the question of strengthening the staff of the stamp department attached to the Court."

Questions and Answers.

Statement referred to in the answer by the HON'BLE MR. DUVAL to question No. 18 (Unstarred) asked by the HON'BLE RAI MAHENDRA CHANDRA MITRA BAHADUR at the Council meeting of the 13th March, 1919, showing the total number of suits filed daily in the Small Cause Court, Calcutta, during the month of January and up to the 15th February, 1919.

Date	Total number of suits filed.
2nd January 1919	112
3rd January 1919	132
4th January 1919	7
6th January 1919	128
7th January 1919	161
8th January 1919	173
9th January 1919	126
10th January 1919	127
11th January 1919	10
13th January 1919	148
14th January 1919	97
15th January 1919	99
16th January 1919	80
17th January 1919	107
18th January 1919	7
20th January 1919	125
21st January 1919	152
22nd January 1919	154
23rd January 1919	103
24th January 1919	105
25th January 1919	2
27th January 1919	130
28th January 1919	112
29th January 1919	107
30th January 1919	173
31st January 1919	116
1st February 1919	10
3rd February 1919	81
4th February 1919	141
7th February 1919	103
8th February 1919	14
10th February 1919	84
11th February 1919	161
12th February 1919	108
13th February 1919	183
14th February 1919	157
15th February 1919	4
Total	3,839

Of these 664 suits are of the value of Rs. 1,000 and above. 3,172 suits are below Rs. 1,000 and 3 are Municipal appeals without valuation.

DEATH OF SIR ANDREW FRASER.

The President said :—

"Hon'ble Members will wish, I think, that there should appear on the record of our proceedings some expression of our feeling of sorrow at the death of an ex-Lieutenant-Governor of this Province, Sir Andrew Fraser. Sir Andrew Fraser came to Bengal to administer the Province at a time of great difficulty. He had to face the full force of public hostility which was fanned by the partition of the Province and, as Hon'ble Members will remember, his life was saved on one occasion by an act of conspicuous gallantry on the part of my Hon'ble colleague the Maharajadhiraja Bahadur of Burdwan. Sir Andrew Fraser consistently endeavoured to bring the non-official and the public into close touch with the Government of the Province. For example, the practice of calling in

*The Bengal Village Self-Government Bill.**Sir H. Wheeler.*

non-official members to assist in the preparation of the Budget originated with him, and it was his invariable practice, I believe, to hold conferences and informal consultations with the representatives of the public upon all measures of importance which he had in contemplation. He was a man of very strong religious proclivities and he took an enthusiastic interest in all matters of social reform. It was under his administration that the Juvenile Jail was established and it was under his auspices that the Disorderly Houses Act was passed. His interest in the cultivator found practical expression in a variety of ways. As for example the passing of the Bengal Tenancy (Amendment) Act which had for its object the securing of the interest of landlord and tenant and the protection of the tenant from undue raising of rent. Again, he was deeply interested in the Agricultural Department, the Department of Land Records, the appointment of a Director as the head of the former, and the establishment of an Agricultural College at Sabour. As I have said he came to Bengal at a time of great difficulty. He retired from this country ten years ago after five years of very strenuous labour as Lieutenant-Governor and after a total of thirty-seven years of service in India, and I cannot doubt that when the dust raised by the acute political controversy which darkened his term of office in this Province has blown aside, there will stand revealed to the impartial eye of the historian a valuable output of solid and lasting achievement."

LIST OF BUSINESS—ITEM No. 2.**LEGISLATIVE BUSINESS.****THE BENGAL VILLAGE SELF-GOVERNMENT BILL, 1919.**

The Hon'ble Sir Henry Wheeler presented the further report of the Select Committee on the Bengal Village Self-Government Bill, 1919.

He said :—

"My Lord, I beg to present the further report of the Select Committee on the Bengal Village Self-Government Bill, 1919.

The circumstances under which this Bill was recommitted to the Select Committee are fresh in the memory of the members of the Council. The only new material which the Select Committee had before it was the mass of amendments of which notice had been given in Council, and these papers, therefore, formed the basis of our further examination of the question.

The report draws attention to the important changes which we have made, and it will be seen that we started by going through the amendments which, had the Bill been taken in Council on the last occasion, would have been moved by myself. Of these we have embodied 14 in the Bill. We then went through various other amendments which, on the occasion of a previous examination of the list by the official members, seemed susceptible of acceptance without objection if the current of discussion in Council showed that feeling was in favour of them. Out of these amendments we have inserted some 16 in the Bill. Apart from that, there are two other small points in respect of which we made changes. Finally, our consideration of the amendments of which notice had been given, and the further incidental scrutiny of the papers, revealed three other points in which we thought that alterations might be made. In all, therefore, we have made 35 major changes in the Bill, and I hope to that extent the subsequent discussion of the Bill in this Council will be lightened.

The report explains most of them, and I need hardly go through them all. I would invite attention to the amendment mentioned in paragraph 2(10) which undoubtedly drew attention to a defect in the Bill, viz., the absence of any specification of the time within which notice of a desire to move for the transfer of a suit from the union bench should be given. The provision that we are now placing in the Bill is somewhat on the lines of the corresponding section of the Criminal Procedure Code. Then, in paragraph

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2(13), we have endeavoured, in part, to meet an amendment of the Hon'ble Babu Akhil Chandra Datta, who desired that the income derived from all pounds and ferries within the union should be made over to the union board. Under the Cattle Trespass Act that is already permissible and we have made no change, but we have amended the Ferries Act so as to render it similarly possible for Government to make over the proceeds from ferries to the union board. In paragraph 3(b) reference is made to an amendment by which we have tried to meet a fairly widely expressed wish that, in respect of voters, the residential qualification should be made rather more elastic, though we have preserved it as originally drafted in respect of candidates. It seemed to us that it might reasonably be said that the member of a union board should be a *bona fide* resident of the area with the administration of which he has been charged, but on the other hand, a man might not have been resident within the original meaning of the draft Bill so as to entitle him to vote, whereas, owing to his interest in the union, he might reasonably be interested in the selection of his representatives.

In paragraph 3(c) we have endeavoured to make it clearer what person should vote on behalf of a joint family. The amendment accepted in paragraph 3(f) is of considerable importance, and we have practically reverted to the original position under Act VI of 1870 in respect of the appointment of daffadars. The change which the Bill contemplated, and for which there is much to be said, was the subject of some criticism by way of amendment, and on the whole we have thought it best to maintain the existing practice.

In paragraph 3(j) we have taken the opportunity of making what, I think, is an improvement in the basis of assessment, and in paragraph 3(k) we have referred to an amendment which was moved by Kumar Shibshekhareswar Ray which reduces the penalty realisable along with the arrear to half the arrear, instead of the whole which is permissible under the present Chaukidari Act. In paragraph 3(o) we have taken another amendment of the same Hon'ble Member which entails the omission of a section which was designed with the good intention of ensuring that the class of suits were instituted in the union court for which that body was intended, instead of being taken to the ordinary courts, but on further consideration, we thought that, as it appeared to be controversial and was unlikely often to be used, it might well be omitted. Otherwise, perhaps the most noticeable change we have made is in removing the authority to delegate to circle officers the power to amend an assessment list. A certain amount of wish had been expressed to that effect, which, on the whole, we thought it expedient to meet.

It will be observed that two minutes of dissent are annexed to the report. That of Babu Mahendra Nath Ray, who throughout has given us in the Select Committee much assistance in the consideration of these proposals, deals with two points, the most important of which is the question whether any statutory obligation should be laid on district boards to give financial assistance to union boards. The other note of dissent is by the Hon'ble Babu Bhabendra Chandra Ray, who, unfortunately, did not find himself able to attend our supplementary meetings, and we have therefore been unable to influence him by argument or discussion in respect of the points on which he has now put in a note of dissent.

The only other point to which I would like to invite the attention of the Council is that we propose to take up the consideration of this Bill on the 7th of April. That being so, the latest date for the filing of amendments will be 11 o'clock on the 24th March, and if Hon'ble Members still desire to move in respect of the re-amended Bill the same amendments of which they gave notice to the Bill as first examined by the Select Committee, it will be necessary to give fresh notice, because we must have a clear intimation as to how many of the amendments in that list still stand in the light of the further changes we have made in the Bill. Of course it will be quite sufficient to refer to the numbers of that list in giving this second notice."

*Revised Financial Statement.**Sir H. Wheeler.***LIST OF BUSINESS—ITEM No. 3.****THE REVISED FINANCIAL STATEMENT.**

The Hon'ble Sir Henry Wheeler presented the Revised Financial Statement for Bengal for 1919-20.

He said :—

"My Lord, I have the honour to present the Revised Financial Statement of Bengal for the year 1919-20. Since the draft amended Financial Statement was laid before the Council, certain changes have been made in the figures, and these are dealt with in the Memorandum which I think is in the possession of Hon'ble Members. Under the instructions of the Government of India we have raised our receipts from Excise in the revised estimates for 1919-20 by Rs. 3 lakhs, all of which will come to us, and our receipts under Stamps by a like sum, of which we shall get half. So that we have benefited under those two heads to the extent of Rs. 4½ lakhs. In the Budget for the ensuing year there is a corresponding addition of Rs. 3 lakhs under the Excise head, while in respect of Income-tax certain changes contingent upon the Excess Profits Act and the exemption of small incomes, have now been inserted in the estimates.

On the expenditure side we have made some important changes, one of which, that relating to Famine Relief, affects some of the resolutions of which notice has been given to day. It will be noticed that a *communiqué* was issued recently improving the pay of the officers of the Imperial Police and the officers of the Indian Medical Service. In respect of these two reorganizations, we have had to make financial provision, which will entail an increase under Police of Rs. 2½ lakhs, and an increase under Medical of Rs. 1½ lakh. Under Scientific and Miscellaneous Departments we have made a further lump provision of Rs. 2 lakhs in the hope that during the coming year we may be able to make a beginning on the lines of the recommendations of the Industrial Commission—a provision which I trust will commend itself to all—while in respect of Famine Relief, the situation now being slightly worse than it was when we originally framed the Budget, we have made a further provision of Rs. 2 lakhs for relief measures, of which Rs. ½ lakh is debitable to us and the balance to Imperial. In the net result, at the end of 1919-20, our closing balance is estimated to be Rs. 3,23,23,000 in place of Rs. 3,22,23,000, at which it stood before.

Hon'ble Members will notice that there is an error of printing in the heading 'revised estimate, 1919-20', which really, of course, should be the revised estimate for 1918-19."

REVISED FINANCIAL STATEMENT, BENGAL, 1919-20.**GOVERNMENT OF BENGAL.****FINANCIAL DEPARTMENT.****Finance.**

Calcutta, the 12th March 1919.

MEMORANDUM.

IN accordance with rule 14 (1) and (2) of the Bengal Legislative (Financial Statement) Rules, 1912, published with Notification No. 4482 F., dated the 10th December 1912, the following memorandum is circulated, indicating alterations in the figures which have been made since the circulation of the Amended Draft Financial Statement, Bengal, for 1919-20 on the 4th instant.

Revised Financial Statement.

2. The following changes have been made under the orders of the Government of India :—

REVISED ESTIMATE, 1918-19.**Receipts.**

The revised estimates under the following heads have been raised by the amounts noted against each, with reference to the increase in receipts in February.

	Total increase.	Provincial share.
	Rs.	Rs.
IV—Stamp	3,00,000	1,50,000
V—Excise	3,00,000	3,00,000

3. These changes have raised the estimates of total receipts from Rs. 7,25,07,000 to Rs. 7,29,57,000. The closing balance now stands at Rs. 3,70,52,000.

BUDGET, 1919-20.**Receipts.**

V. *Excise*—The estimate has been raised by Rs. 3,00,000, from Rs. 1,84,00,000 to Rs. 1,87,00,000, in view of the increase in the revised estimate for 1918-19.

The alterations mentioned in the memorandum circulated on the 4th March 1919, viz., VIII—Income-tax reduced from Rs. 1,15,00,000 to Rs. 88,75,000, and "Transfers between imperial and provincial revenues" raised from Rs. 5,34,000 to Rs. 31,59,000, have now been incorporated in the Estimates.

The total provincial receipts now stand at Rs. 7,29,83,000 against Rs. 7,26,83,000 as previously adopted.

Expenditure.

20—*Police*.—The estimate under this head has been raised by Rs. 2,50,000 to give effect to the revision of the rates of pay of Imperial Police officers which has recently been sanctioned by the Secretary of State.

The total estimate under this head is now Rs. 1,36,21,000.

24—*Medical*.—An additional provision of Rs. 1,50,000 has been made in view of the recent announcement in regard to the emoluments of the officers of the Indian Medical Service. The total allotment under Medical now stands at Rs. 27,69,000.

26—*B.—Scientific and Miscellaneous Departments*.—With a view to give immediate effect, as far as possible, to the recommendations of the Indian Industrial Commission, the lump provision of Rs. 50,000 for the development of industries has been raised to Rs. 2,50,000. The total estimate under this head now amounts to Rs. 10,68,000.

33—*Famine Relief*.—To relieve the distress prevailing in certain parts of the Presidency, owing to unfavourable agricultural conditions, a provision of Rs. 2,00,000 has been made for relief measures; of this sum Rs. 50,000 is debitable to provincial, and the balance to imperial, revenues.

4. The total charges for 1919-20 are now raised from Rs. 7,70,62,000 to Rs. 7,77,12,000 and the closing balance from Rs. 3,22,23,000 to Rs. 3,23,23,000 as shown below :—

	Revised estimate, 1918-19	Budget estimate, 1919-20.
	Rs.	Rs.
Opening balance	3,67,64,000	3,70,52,000
Receipts	7,29,57,000	7,29,83,000
Expenditure	7,26,69,000	7,77,12,000
Closing balance	3,70,52,000	3,23,23,000

5. Copies of the Revised Financial Statement incorporating these changes are circulated herewith.

H. WHEELER.

Revised Financial Statement.

REVISED FINANCIAL STATEMENT OF THE GOVERNMENT OF BENGAL
FOR 1919-20.

Statement of proposed Receipts for 1919-20, embodying also the Revised and Budget Estimates for 1918-19 and the Accounts from 1915-16 to 1917-18.

FIGURES ARE IN THOUSANDS OF RUPEES.

HEAD OF REVENUE.	ACCOUNTS.			Budget estimate, 1918-19.	Revised estimate, 1918-19.	Budget estimate, 1919-20.
	1915-16.	1916-17.	1917-18.			
1	2	3	4	5	6	7
	Ra.	Ra.	Ra.	Ra.	Ra.	Ra.
Opening balance ...	2,72,60,323	2,79,19,135	3,39,64,039	3,77,52	3,67,64	3,70,52
Principal Heads of Revenue—						
I—Land Revenue ...	1,65,61,815	1,65,02,460	1,61,19,880	1,65,48	1,66,21	1,66,21
IV—Stamps ...	1,12,18,670	1,20,75,985	1,16,05,915	1,20,50	1,24,00	1,27,50
V—Excise ...	1,51,40,074	1,44,44,229	1,56,86,222	1,60,00	1,78,00	1,87,00
VI—Provincial Rates ...	2,33,853	1,34,841	1,39,091	1,17	1,22	1,24
VIII—Income Tax ...	36,13,306	84,27,714	1,03,96,235	1,07,50	1,10,00	98,75
IX—Forests ...	11,45,610	13,34,779	13,76,970	16,00	18,00	16,30
X—Registration ...	20,36,063	21,48,927	19,04,027	19,60	19,00	19,00
Total ...	4,99,49,396	5,50,72,935	5,71,74,340	5,90,25	6,16,43	6,16,00
XII—Interest ...	4,63,551	6,49,042	6,89,791	5,55	5,35	5,33
Receipts by Civil Department—						
XVI—Law and Justice—						
A—Court of Law ...	8,43,999	9,21,386	11,22,200	12,23	10,67	11,88
B—Jails ...	9,09,148	12,18,040	12,01,713	13,52	13,00	10,01
XVII—Police ...	1,90,866	1,83,633	1,87,154	1,87	2,54	2,37
XVIII—Ports and Pilotage ...	13,49,562	12,60,964	10,06,412	10,30	13,10	12,64
XIX—Education ...	8,86,574	9,47,392	9,51,950	9,79	9,89	10,29
XXA—Medical ...	3,59,574	3,73,618	4,00,834	4,05	4,05	3,96
XXB—Sanitation ...	660	83,937	12,322	18	8	10
XXIA—Agriculture ...	1,01,156	1,16,197	1,21,456	1,55	1,47	1,85
XXIB—Scientific and Miscellaneous Departments ...	6,04,849	12,60,469	26,35,397	19,09	18,80	10,82
Total ...	52,46,388	63,60,636	76,89,438	72,56	73,60	63,92
Miscellaneous—						
XXII—Receipts in aid of Superannuation ...	54,583	59,011	57,369	56	60	58
XXIII—Stationery and Printing ...	1,33,395	1,49,799	1,40,097	1,22	1,42	1,49
XXV—Miscellaneous ...	6,65,208	7,51,242	5,65,563	6,81	9,53	6,99
Total ...	8,53,186	9,60,052	7,63,029	8,59	11,55	9,06
Construction—						
XXIX—Major Works (direct receipts) ...	1,39,040	1,44,866	1,39,151	1,41	1,50	1,40
XXX—Minor Works and Navigation—						
By Public Works Department ...	13,13,865	3,92,248	4,23,696	3,80	5,00	5,00
By Civil Department ...	26,407	24,940	22,128	25	25	29
Total ...	4,79,312	5,62,054	5,84,975	5,46	6,75	6,69
Bridges and Roads—						
XXXI—Civil Works—						
By Public Works Department ...	4,72,054	5,66,507	4,79,016	4,66	5,65	5,55
By Civil Department ...	1,46,492	2,90,949	1,38,959	1,58	1,40	1,89
Total ...	6,18,546	8,57,456	6,17,975	6,24	7,05	7,24
Transfers between Imperial and Provincial Revenues ...	+58,49,619	+17,69,861	+11,94,262	+7,67	+8,84	+81,59
Total Receipts ...	6,34,59,998	6,62,32,036	6,86,67,800	6,96,34	7,29,57	7,29,83
GRAND TOTAL ...	9,07,20,321	9,41,51,171	10,26,31,839	10,73,96	10,97,21	11,00,35

Revised Financial Statement.

Statement of proposed charges for 1919-20, embodying also the Revised and Budget Estimates for 1918-19 and the Accounts from 1915-16 to 1917-18.

FIGURES ARE IN THOUSANDS OF RUPEES.

HEAD OF EXPENDITURE.	ACCOUNTS.			Budget estimate, 1918-19.	Revised estimate, 1918-19.	Budget estimate, 1919-20.
	1915-16.	1916-17.	1917-18.			
1	2	3	4	5	6	7
Direct demand on the Revenues—	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1. Refunds and Drawbacks ...	1,81,371	2,68,862	2,43,021	2,09	2,57	2,74
2. Assignments and Compensations ...	30,030	54,695	76,399	1,43	1,38	1,50
3. Land Revenue ...	34,76,687	34,92,481	34,94,026	36,28	35,18	38,14
6. Stamps ...	2,91,355	3,13,186	3,15,099	3,69	3,16	3,42
7. Excise ...	7,74,858	9,39,493	9,99,661	10,85	10,47	11,37
10. Income-tax ...	76,442	81,377	87,086	89	93	1,06
11. Forests ...	5,93,635	6,19,649	7,38,713	7,50	8,30	7,66
12. Registration ...	11,27,328	11,84,770	11,41,039	11,57	11,25	12,21
Total ...	65,51,746	69,04,018	70,95,044	74,30	73,24	78,10
13. Interest on Ordinary Debt...	4,76,626	5,01,745	4,72,123	4,53	4,42	4,47
Salaries and Expenses of Civil Departments—						
18. General Administration ...	23,88,887	24,82,180	25,88,941	25,88	26,11	26,35
19. Law and Justice—						
A. Courts of Law ...	1,08,11,110	99,20,187	1,00,08,704	1,01,75	1,04,20	1,04,35
B. Jails ...	25,06,617	27,96,318	30,85,129	30,03	33,36	30,04
20. Police ...	1,09,08,783	1,16,57,283	1,26,13,287	1,37,85	1,30,45	1,36,31
21. Ports and Pilotage ...	13,73,063	11,15,029	11,60,185	11,12	12,47	13,31
22. Education ...	84,83,414	76,87,152	80,92,061	1,03,01	85,00	97,86
24A. Medical ...	22,83,740	23,36,330	28,04,071	26,86	26,67	27,90
24B. Sanitation ...	5,43,345	3,93,456	4,69,180	11,71	9,04	18,65
25. Political ...	23,187	89,380	2,79,727	2,99	2,88	2,70
26A. Agriculture ...	11,39,162	10,86,600	11,71,622	14,20	15,34	17,40
26B. Scientific and Miscellaneous Departments ...	4,47,690	4,69,606	5,55,255	19,60	22,09	10,60
Total ...	4,04,03,998	4,00,33,521	4,27,74,062	4,85,00	4,67,61	4,65,40
Miscellaneous—						
29. Superannuation, etc. ...	31,41,809	33,01,098	33,75,972	35,30	34,78	35,47
30. Stationery and Printing ...	13,01,451	12,91,585	13,73,722	14,38	14,73	14,33
32. Miscellaneous ...	6,38,467	2,47,886	3,24,679	9,14	7,96	9,80
Total ...	50,81,727	48,40,519	50,74,378	58,82	57,47	59,70
Famine Relief and Insurance—						
33. Famine Relief ...	...	1,47,287	...	...	...	...
36. Reduction or avoidance of Debt ...	60,000	60,000	...	...	...	...
Railways (Revenue Accounts)—						
40. Subsidised Companies—Land, etc. ...	...	6	...	...	...	...
Total ...	60,000	2,07,243	...	...	...	...
Irrigation—						
42. Major Works—						
Working expenses ...	98,011	92,902	85,650	1,35	1,19	1,80
Interest on Debt ...	1,74,238	1,65,402	1,74,263	1,66	1,75	1,73
43. Minor Works and Navigation—						
By Public Works Department ...	11,47,225	10,01,210	11,71,568	13,50	14,17	17,50
By Civil Department ...	1,022	852	790	1	1	...
Total ...	14,20,496	12,60,366	14,32,271	16,52	17,12	20,30
Buildings and Roads—						
45. Civil Works—						
By Public Works Department ...	67,82,385	56,55,388	77,95,690	84,88	95,00	1,13,00
By Civil Department ...	20,24,208	7,84,342	12,24,603	12,49	11,83	15,40
Total ...	88,06,593	64,39,725	90,20,293	97,37	1,06,83	1,28,40
Total Charges ...	6,28,01,186	6,01,87,132	6,58,67,166	7,36,54	7,28,69	7,77,10
Closing Balance ...	2,79,19,135	3,39,64,039	3,67,64,673	3,37,32	3,70,52	3,23,20
GRAND TOTAL ...	9,07,20,321	9,41,51,171	10,26,31,839	10,73,86	10,97,21	11,00,30
Provincial surplus (+) or deficit (-)	+6,58,812	+60,44,904	+28,00,634	-40,20	+2,88	-1,10

*Revised Financial Statement.***REVISED FINANCIAL STATEMENT OF THE GOVERNMENT OF BENGAL FOR 1919-20.****PART I.—Memorandum by the Finance Member.****General Financial Situation.**

THIS statement is presented to the Council under rule 14(I) of the Rules for the Discussion of the Annual Financial Statement, published with Notification No. 4482-F., dated the 10th December 1912. On the 18th of December last, when the departmental budgets were under preparation, the Hon'ble Members of the Finance Committee were invited in an informal meeting to advise Government as to the selection of new schemes for inclusion in the coming year's budget. As required by rule 6(I) of the Bengal Legislative (Financial Statement) Rules, 1912, copies of the Draft Financial Statement were formally presented to the Finance Committee on the 24th January 1919, and the committee was asked to advise on the distribution of the "unallotted" expenditure provisionally allowed by the Government of India in passing orders on the first edition of the budget. On the 26th of February 1919, all the Hon'ble Members of this Council were supplied with copies of the Amended Draft Financial Statement, together with copies of the second edition of the Civil Budget Estimates.

This memorandum is divided into two parts. Part I gives a brief but fairly comprehensive review, and Part II more detailed particulars, of the provincial transactions. As Part II gives detailed explanations of the estimates of revenue and expenditure, it is not necessary here to do more than refer to the more important figures.

2. The budget for the current year provided for an opening balance of Rs. 3,77,52,000, but the actual opening balance amounted to Rs. 3,67,64,000 or Rs. 9,88,000 less than the estimate. This was the result of a diminution in receipts and an increase in expenditure in 1917-18 as compared with the results anticipated at the time the estimate was made. The fall in the receipts was shared principally by Income-tax (Rs. 1,54,000), Forests (Rs. 1,23,000), Jails (Rs. 1,98,000) and Miscellaneous (Rs. 1,30,000). These decreases were, however, counterbalanced to some extent by larger receipts under Excise (Rs. 1,36,000), Interest (Rs. 85,000) and Transfers between Imperial and Provincial (Rs. 2,87,000). The expenditure was Rs. 9,03,000 in excess of the revised estimate, due mainly to an increase under Police (Rs. 3,29,000), Ports and Pilotage (Rs. 1,25,000) and Civil Works, Public Works Department (Rs. 6,46,000). The excesses were, however, to some extent counterbalanced by savings under Sanitation, and under Scientific and Miscellaneous Departments. The transactions of the year thus showed a surplus of Rs. 28,00,000 against the surplus of Rs. 37,88,000 anticipated in the revised estimate, thereby reducing the opening balance by Rs. 9,88,000.

3. Turning now to the general financial situation of the province in the current and coming financial years, the following is a summary of the position :—

		Budget estimate, 1918-19.	Revised estimate, 1918-19.	Budget estimate, 1919-20.
		Rs.	Rs.	Rs.
Opening balance	...	3,77,52,000	3,67,64,000	3,70,52,000
Receipts	...	6,96,34,000	7,29,57,000	7,29,83,000
Expenditure	...	7,36,54,000	7,26,69,000	7,77,12,000
Closing balance	...	3,37,32,000	3,70,52,000	3,23,23,000

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The current year's budget provided for an opening balance of Rs. 3,77,52,000, adding which to the revenue estimate of Rs. 6,88,67,000, and allowing for a net transfer from imperial to provincial revenues of Rs. 7,67,000, a total of Rs. 10,73,86,000 is arrived at. Of this sum it was proposed to spend Rs. 7,36,54,000, leaving a closing balance of Rs. 3,37,32,000. The revised estimates show how far these anticipations have been realised in actual working. They are an attempt to forecast the probable receipts and expenditure of the year by adding to the actuals of the first nine months an estimate of the transactions of the remaining period. As the actuals of each successive month become available, the estimates are further revised, and the figures, therefore, are liable to modification up to the time the budget is finally passed. So far as can be seen at present, receipts this year will be Rs. 33,23,000 better than the budget figure. The table below compares the budget and revised estimates for the current year under the chief major heads :—

HEADS OF REVENUE.	Actuals, 1917-18.	Budget estimate, 1918-19.	Revised estimate, 1918-19.	Variations between budget and revised (column 4 - column 3).
1	2	3	4	5
	Rs.	Rs.	Rs.	Rs.
I. Land Revenue ...	1,61,20,000	1,65,48,000	1,66,21,000	+ 73,000
IV. Stamps ...	1,16,06,000	1,20,50,000	1,24,00,000	+ 3,50,000
V. Excise ...	1,56,36,000	1,60,00,000	1,78,00,000	+ 18,00,000
VIII. Income-tax ...	1,03,96,000	1,07,50,000	1,10,00,000	+ 2,50,000
IX. Forests ...	13,77,000	16,00,000	18,00,000	+ 2,00,000
X. Registration ...	19,04,000	19,60,000	19,00,000	- 60,000
XVIA. Law and Justice—Courts of Law.	11,22,000	12,23,000	10,67,000	- 1,56,000
XVIB. Jails ...	12,02,000	13,52,000	13,00,000	- 52,000
XVIII. Ports and Pilotage ...	10,06,000	10,30,000	13,10,000	+ 2,80,000
XIX. Education ...	9,52,000	9,79,000	9,89,000	+ 10,000
XXIB. Scientific and Miscella- neous Departments.	26,35,000	19,09,000	18,80,000	- 29,000
XXV. Miscellaneous ...	5,65,000	6,81,000	9,53,000	+ 2,72,000
XXX. Minor Works and Navi- gation—Public Works Departments.	4,24,000	3,80,000	5,00,000	+ 1,20,000
XXXI. Civil Works—Public Works Department.	4,79,000	4,66,000	5,65,000	+ 99,000
Other heads ...	20,50,000	19,39,000	19,88,000	+ 49,000
Transfer between Imperial and Provincial Revenues.	11,94,000	7,67,000	8,84,000	+ 1,17,000
Total ...	6,86,68,000	6,96,34,000	7,29,57,000	+ 33,23,000

The main features of the figures here presented are the large increases under Stamps, Excise, Income-Tax, Forests, Ports and Pilotage, Miscellaneous and Minor Works and Navigation, an increase in transfers between Imperial and Provincial, and a set back in Registration and Law and Justice—

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Courts of Law. The largest increase occurs under Excise. The revenue under this head recovered in 1917-18 from the fall in the three successive years ending in 1916-17. Particularly was this so in Calcutta, where the adoption of measures for the better control of the trade, and in particular the prevention of dilution and the fixing of maximum prices, contributed to a large increase in the consumption of licit country spirit. It was anticipated that this recovery would be followed by an increase in the receipts in 1918-19, and the budget estimate was placed at Rs. 5 lakhs above the revised estimate of the previous year. The growth of this revenue, however, has much exceeded the forecast and a yield of Rs. 18 lakhs over the budget figure is now expected.

The framing of the estimates of Income-tax under present conditions is a matter of great difficulty, not only because of the introduction of different rates of taxation, but also in consequence of the uncertain and varied effects of the war on trade generally; the increase in profits in various trades is also very unequal, and accentuates the difficulty in arriving at accurate figures. The jute trade enjoyed prosperity in the early part of 1917, and from companies engaged in this trade a considerable increase in income-tax was foreseen. Companies of other kinds, however, showed greater variations in their working. In view of these facts the estimate for the current year was fixed at Rs. 1,07,50,000, but the first ten months' actuals indicate that this forecast was an under-estimate, and this year's receipts are likely to be higher by Rs. 2,50,000 than the sanctioned figure.

The receipts under Stamps fell off in 1914-15, but there was a satisfactory recovery in the two following years. In the year 1917-18 there was again a setback, but a recovery was anticipated this year, and the estimate for 1918-19 was placed at Rs. 5 lakhs higher than the revised estimate for 1917-18. Owing to improved prosperity in certain trades the actual revenue has exceeded anticipations and is now expected to be higher than the budget figure by Rs. 3½ lakhs.

The large increase under Forests is due partly to larger supplies of timber and sleepers to the Munitions Board for war purposes and partly to the payment this year, by the Munitions Board, of the cost of timber and sleepers supplied to them in the latter part of 1917-18.

The increase under Miscellaneous is due to a special receipt from the sale of the police hospital in Amherst Street. The large increase under Ports and Pilotage is the result of the temporary imposition of a surcharge on pilotage fees in order to counter-balance the increase in expenditure due to the introduction of the system of guaranteed remuneration to the officers of the Pilot Service, while that under Minor Works and Navigation is due mainly to the improved condition of the Madaripur Bil Canal and to a general increase in water-borne goods traffic owing to the shortage of railway wagons.

Transfers between Imperial and Provincial funds show a *plus* entry of Rs. 1,17,000. This difference as compared with the budget figure is mainly due to the additional assignments of Rs. 1,50,000 for the Bengal War Publicity Board, Rs. 47,000 for the Director of Civil Supplies, Bengal, Rs. 95,000 for anti-malarial schemes, Rs. 1,07,000 for improvements and repairs to "Belvedere", Rs. 1,80,000 for agricultural education and Rs. 1,75,000 in connection with the financial arrangements made for the payment of quinine purchased in Java. These additions were counter-balanced to some extent by larger contributions from Provincial funds as compensatory payment to Imperial revenues for the additional taxation accruing from income-tax. The total yield from additional taxation under VIII—Income-tax, which was originally estimated at Rs. 55,72,000, will, it is now anticipated, amount to Rs. 60,00,000. The fall in revenue under Registration is mainly due to adverse economic conditions, and under Law and Justice—Courts of Law, to smaller receipts from fines and process serving fees.

On the expenditure side, against the budget estimate of Rs. 7,36,54,000, the revised estimate stands at Rs. 7,26,69,000, showing a net anticipated saving of Rs. 9,85,000. The conditions induced by the war have rendered the observance of strict economy essential, and expenditure which can be deferred for the present without causing serious administrative inconvenience has been

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postponed. This partly accounts for the savings enumerated above, while other contributory causes are detailed below. The statement below gives particulars of the more important heads :—

HEADS OF EXPENDITURE.	Actuals, 1917-18.	Budget estimate, 1918-19.	Revised estimate, 1918-19.	Variations between budget and revised (column 4— column 3).
1	2	3	4	5
	Rs.	Rs.	Rs.	Rs.
3. Land Revenue	34,94,000	36,28,000	35,18,000	- 1,10,000
7. Excise	10,00,000	10,85,000	10,47,000	- 38,000
11. Forests	7,39,000	7,50,000	8,30,000	+ 80,000
12. Registration	11,41,000	11,57,000	11,25,000	- 32,000
18. General Administration ...	25,84,000	25,88,000	26,11,000	+ 23,000
19A. Law and Justice—Courts of Law.	1,00,08,000	1,01,75,000	1,04,20,000	+ 2,45,000
19B. Law and Justice—Jails ...	30,35,000	30,03,000	33,36,000	+ 3,33,000
20. Police	1,26,13,000	1,37,85,000	1,30,45,000	- 7,40,000
21. Ports and Pilotage	11,60,000	11,12,000	12,47,000	+ 1,35,000
22. Education	80,92,000	1,03,01,000	85,00,000	- 18,01,000
24A. Medical	28,04,000	26,86,000	26,67,000	- 19,000
24B. Sanitation	4,69,000	11,71,000	9,04,000	- 2,67,000
26A. Agriculture	11,72,000	14,20,000	15,34,000	+ 1,14,000
26B. Scientific and Miscellaneous Departments.	5,55,000	19,60,000	22,09,000	+ 2,49,000
29. Superannuation allowance, etc.	33,76,000	35,30,000	34,78,000	- 52,000
30. Stationery and Printing ...	13,74,000	14,38,000	14,73,000	+ 35,000
32. Miscellaneous	3,25,000	9,14,000	7,96,000	- 1,18,000
43. Irrigation—Minor Works and Navigation, Public Works Department	11,72,000	13,50,000	14,17,000	+ 67,000
45. Civil Works, Civil	12,25,000	12,49,000	11,83,000	- 66,000
45. Civil Works, Public Works Department.	77,96,000	84,88,000	95,00,000	+ 10,12,000
Other heads	17,33,000	18,64,000	18,29,000	- 35,000
Total	6,58,67,000	7,36,54,000	7,26,69,000	- 9,85,000

The largest difference between the budget and revised estimate appears under the head "22—Education", and it will be observed that a saving of Rs. 18,01,000 is expected under this head during the current year. The savings are mainly due to the non-utilization in full of the grants made by the Government of India, but are also partly due to the transfer of money to the Public Works Department for educational works. When the budget was framed the Imperial grants were provided in full in the hope that schemes would be ready early this year, and that most of the provision would be utilized. The nine months' actuals, however, indicate that these expectations are not likely to be fulfilled. Under "20—Police" a saving of Rs. 7,40,000 is expected. This is mainly due to the transfer of about Rs. 6 lakhs to the Public Works Department budget for the construction of buildings, the balance

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being due to vacancies in the rank and file of the force, which under present conditions it has been difficult to fill.

The savings under Land Revenue are partly due to savings under salaries owing to the deputation of a number of officers to military duty, and partly to the non-utilization in full of the provision for outlay on improvement in Government estates.

Large savings also occur under "Sanitation" and "Miscellaneous", but they are more apparent than real. The savings under the former head are mainly due to the transfer of Rs. 1,90,000 to Irrigation for anti-malarial works. It has been the practice to include under the head "Miscellaneous", a small reserve of Rs. 2 lakhs to meet expenditure under any head of account for which money may be immediately necessary. As the Local Government is precluded from drawing on its balances, it is essential that there should be some money in reserve, for though lapses do generally occur under many heads of expenditure, these lapses seldom become available until late in the year, and in the meantime some provision must be at hand to meet urgent and unforeseen demands. All appropriations out of this reserve, as well as all sanctions accorded by His Excellency the Governor from his petty grants allotment and the adjustments of expenditure on grain compensation allowance, appear under the appropriate major heads; this accounts mainly for the large savings under the head Miscellaneous. The largest excess in expenditure occurs under "Jails", and is mainly due to an increase in the number of prisoners, and to the abnormal rise in the price of cotton, woollen yarns, cloth, blankets, medicines and raw materials for manufacturing purposes.

The increased expenditure under "Law and Justice—Courts of Law", is mainly due to the appointment in several districts of additional District Judges, Subordinate Judges and Munsifs to clear up arrears of judicial work, and to the entertainment of establishment for them.

The difference between the budget and revised estimates for the current year under "26B—Scientific and Miscellaneous Departments" is the result of a large outlay in the purchase of quinine from Java to replace the stocks which have been largely drawn on for military requirements during the past four years.

The large increase under "45—Civil Works, Public Works Department" is chiefly due to the augmentation of the grant under this head by transfers of funds for Educational, Police, Jail and other works, and is, therefore, more apparent than real.

4. In consequence of these changes in the figures of receipts and expenditure, the estimated closing balance of the current year, which is the starting point of the budget for 1919-20, has been taken at Rs. 3,70,52,000, or Rs. 33,20,000 better than the budget. Of the closing balance Rs. 20 lakhs represents the prescribed minimum closing balance of the province, which must be kept intact, while Rs. 2,34,12,000 represents the unspent balances of Imperial recurring and non-recurring grants, or grants which are ear-marked for specific purposes, as detailed below, and which must be spent on those objects. The free Provincial balance, therefore, amounts to Rs. 1,16,40,000 which may be spent in future years :—

			Rs.
Balance of Imperial grants for Education	...	1,20,98,000	
Ditto ditto Medical purposes	...	4,36,000	
Ditto ditto Agricultural Education	...	1,00,000	
Ditto ditto Sanitation	...	66,43,000	
Ranchi lunatic asylum	...	17,41,000	
Amount ear-marked for Provincial equipment	...	24,00,000	
	Total	...	2,34,12,000
Minimum closing balance	20,00,000
	Total	...	2,54,12,000
Available free balance	1,16,40,000
	Total	...	3,70,52,000

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5. Turning to the budget estimate for 1919-20 the following table summarizes the receipts under the chief heads of revenue :—

Heads of Revenue.	Budget estimate, 1918-19.	Revised esti- mate, 1918-19.	Budget estimate, 1919-20.	Difference between the revised estimate, 1918-19 and budget estimate, 1919-20.
1	2	3	4	5
	Rs.	Rs.	Rs.	Rs.
I. Land Revenue	1,65,48,000	1,66,21,000	1,66,21,000	.....
IV. Stamps ...	1,20,50,000	1,24,00,000	1,27,50,000	+ 3,50,000
V. Excise ...	1,60,00,000	1,78,00,000	1,87,00,000	+ 9,00,000
VIII. Income-tax ...	1,07,50,000	1,10,00,000	88,75,000	- 21,25,000
IX. Forests ...	16,00,000	18,00,000	16,30,000	- 1,70,000
X. Registration ...	19,60,000	19,00,000	19,00,000	.....
XVIA. Law and Justice —Courts of Law ..	12,23,000	10,67,000	11,88,000	+ 1,21,000
XVIB. Law and Justice —Jails.	13,52,000	13,00,000	10,01,000	- 2,99,000
XVIII. Ports and Pilot- age ...	10,30,000	13,10,000	12,64,000	- 46,000
XIX. Education ...	9,79,000	9,89,000	10,29,000	+ 40,000
XXIB. Scientific and Miscellaneous Departments.	19,09,000	18,80,000	10,82,000	- 7,98,000
XXV. Miscellaneous	6,81,000	9,53,000	6,99,000	- 2,54,000
XXX. Irrigation— Minor Works and Navigation —Public Works Department ...	3,80,000	5,00,000	5,00,000	.....
XXXI. Civil Works— Public Works Department ...	4,66,000	5,65,000	5,55,000	- 10,000
Transfers, between Imperial and Provincial Revenues ...	7,67,000	8,84,000	31,59,000	+ 22,75,000
Other heads ...	19,39,000	19,88,000	20,30,000	+ 42,000
	6,96,34,000	7,29,57,000	7,29,83,000	+ 26,000

Beyond the explanations given in Part II of this memorandum few of the figures call for remarks. It is difficult at a time when everything is largely unsettled by the cessation of the war, and when the immediate future is to some extent uncertain, to adjust the revenues with reference to those of the past four years or to pre-war times. It is anticipated, however, that the improvement in the Stamp revenue will be maintained, and that the administration of the Excise Department will result in a still further rise in the Excise receipts. Income-tax receipts are expected, however, to be less than those of the present year. The profits of the jute industry are expected to be better, while there has been increased prosperity in certain mercantile trades. On the other hand, the cotton piece-goods trade has suffered, and there will be loss in revenue on account of the exemption from assessment of all incomes below Rs. 2,000 per annum, and also on account of the rebate of income-tax that shall have to be given in respect of the amounts paid as excess profits duty. Taking it all round, a decrease of Rs. 21½ lakhs as compared with the revised estimate for the current year is expected. With the cessation of the war the receipts from Jail manufactures and from the sales of quinine are likely to diminish also. In the Transfer Budget the only items calling for mention are the assignment in favour of the Government of Bihar and Orissa for the Ranchi lunatic

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asylum, and the Imperial assignments to this Government for expenditure on the Director of Civil Supplies, Bengal, and for the improvement of the port of Chittagong, and the assignment to compensate this Government on account of the loss in income-tax revenue necessitated by the changes in taxation.

For next year a total expenditure of Rs. 7,77,12,000 has been provided, which is higher by Rs. 40,58,000 and Rs. 50,43,000 than the current year's budget and revised estimates, respectively. Details by chief major heads are given in the following table :—

HEADS OF EXPENDITURE.	Budget Estimate, 1918-19.	Revised estimate, 1918-19.	Budget estimate, 1919-20.	Difference between revised estimate, 1918-19 and budget estimate, 1919-20.
1	2	3	4	5
	Rs.	Rs.	Rs.	Rs.
3. Land Revenue ...	36,28,000	35,18,000	38,14,000	+ 2,96,000
7. Excise ...	10,85,000	10,47,000	11,37,000	+ 90,000
11. Forests ...	7,50,000	8,30,000	7,66,000	- 64,000
12. Registration ...	11,57,000	11,25,000	12,21,000	+ 96,000
18. General Administration ...	25,88,000	26,11,000	26,38,000	+ 27,000
19A. Law and Justice—Courts of Law.	1,01,75,000	1,04,20,000	1,04,35,000	+ 15,000
19B. Law and Justice—Jails ...	30,03,000	33,36,000	30,04,000	- 3,32,000
20. Police ...	1,37,85,000	1,30,45,000	1,36,21,000	+ 5,76,000
21. Ports and Pilotage ...	11,12,000	12,47,000	13,31,000	+ 84,000
22. Education ...	1,03,01,000	85,00,000	97,86,000	+ 12,86,000
24A. Medical ...	26,86,000	26,67,000	27,69,000	+ 1,02,000
24B. Sanitation ...	11,71,000	9,04,000	18,66,000	+ 9,62,000
26A. Agriculture ...	14,20,000	15,34,000	17,48,000	+ 2,14,000
26B. Scientific and Miscellaneous Departments ...	19,60,000	22,09,000	10,68,000	- 11,41,000
29. Superannuation and retired allowances ...	35,30,000	34,78,000	35,47,000	+ 69,000
30. Stationery and Printing ...	14,38,000	14,73,000	14,93,000	+ 20,000
32. Miscellaneous ...	9,14,000	7,96,000	9,34,000	+ 1,38,000
43. Irrigation Minor Works and Navigation ...	13,50,000	14,17,000	17,53,000	+ 3,36,000
45. Civil Works—Civil ...	12,49,000	11,83,000	15,64,000	+ 3,81,000
45. Civil Works—Public Works Department.	84,88,000	95,00,000	1,13,00,000	+ 18,00,000
Other heads ...	18,64,000	18,29,000	19,17,000	+ 88,000
Total ...	7,36,54,000	7,26,69,000	7,77,12,000	+ 50,43,000

In framing the estimates of expenditure full weight has been given to the spending power of the various departments, with particular reference to their ability to utilize the lump grants made to them for particular purposes, and while making full provision for these grants, large sums have been deducted as probable savings with reference to the expenditure of recent years. A large provision of Rs. 13,84,000, or Rs. 4,34,000 over and above the recurring Imperial assignment, has been made, in accordance with the policy initiated last year, for schemes of sanitary improvement and anti-malarial works, in addition to provision for an enquiry into the hookworm disease, for kala-azar research, for an investigation into river pollution and for other minor improvements. In the Irrigation budget too increased provision has been made for drainage schemes in connection with the malaria problem. The schemes for mitigating the effects of the floods of the rivers in the Burdwan Division and for creating a spill from the Bidyadhari river, for the partial canalization of Tolly's Nala, for the reconstruction of the Kidderpore Bridge and for the construction of buildings at Khulna required in connection with the establishment of a new permanent waterways division, have necessitated further large provision in the coming year's Irrigation budget. Agricultural development has also received marked attention. In continuance of the scheme for the distribution of improved paddy and jute seed it is proposed to establish two new district agricultural farms, while in order to complete the cadre

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of district agricultural officers, which is necessary in connection with this scheme, provision has been made for nine additional appointments of this class. It is also in contemplation to strengthen the establishment for the control and audit of Co-operative Societies, which are rapidly rising in numbers. Further, with the view of giving full effect to a resolution which was adopted by this Council in the course of the budget debate last year in regard to the development of Co-operative Societies for industrial purposes, a sum of Rs. 38,000 has been so allotted. These are the more important items of expenditure on Sanitation and Agriculture, and they follow on a further development of the policy which has been pursued during the current year. Turning to other important items of expenditure, there is a provision of Rs. 1,25,000 as a first instalment of the expenditure to be incurred on Circle officers appointed in anticipation of the hoped for development of village self-government. This and larger provision under Survey and Settlement operations in the Darjeeling, Terai and Kalimpong Government estates, and the provision of Rs. 25,000 for settlement of waste lands in the 24-Parganas, Sundarbans, under the raiyatwari system, account for the increase under the Land Revenue head. Under Registration a lump provision of Rs. 48,000 has been put down for a partial revision of the pay of the clerks and muharrirs of the sub-registry offices in the Presidency, a long delayed reform which has hitherto been barred by financial stringency. A provision of Rs. 11,000 has also been made towards the revision of the cadre of district sub-registrars, which has been sanctioned by the Secretary of State, and the introduction, as a tentative measure, in a few selected districts, of a system of district registrars, on the lines followed in Madras, by which district officers will be relieved of all legal and routine duties connected with registration. Another item which has often been the subject of attention in this Council is that of the pay of munsifs. The Governor in Council has recently published a Resolution on this subject in connection with the report of the Public Service Commission, and it seems probable that during the coming year effect will be given, at any rate, in part, to the revision of the pay of these officers. A provision of Rs. 1,25,000 has been made on this account. Under the Scientific and Miscellaneous head, funds have been set apart for the Director of Industries, the Director of Civil Supplies and their staff, while a sum of Rs. 78,400 has been allotted for the completion of the research tannery, together with its establishment, in addition to a lump provision of Rs. 2,50,000 for the development of industries, with a view to give immediate effect, as far as possible, to the recommendations of the Indian Industrial Commission. The estimate of Police expenditure is some Rs. 1½ lakh less than the budget provision of the current year. The reduction is due mainly to two causes. In the first place no allotment has been made for capital expenditure in connection with the reorganization of the subordinate police. Expenditure on this account has been shown in recent years under the head Police so long as the assignment for the purpose made by the Government of India remained unexhausted. That assignment having now been expended, further provision, will in future, be made under the Civil Works head. Secondly, large probable savings have been deducted in the light of the expenditure incurred by the department in recent years. While provision has been made for normal development, and for the furtherance of the schemes for raising the pay of head-constables and the proportion of the ordinary reserve, the only new schemes of importance are (1) revision of the rates of pay of Imperial Police officers recently sanctioned by the Secretary of State, (2) the reorganisation and extension of the traffic police, Calcutta—a measure necessitated by the growth of the city and the general extension of motor traffic, (3) additional staff in connection with the Public Vehicles Department—a consequence of the transfer from the Corporation of Calcutta to the Calcutta police of the control of hackney carriages, etc. (this it may be noted will be largely met by receipts), (4) the raising of the strength of the Dacca military police battalion by the addition of one company, and (5) the improvement of pay and prospects of European inspectors and sergeants of the Calcutta police in order to facilitate recruitment to make up the full complement. The large increase under Ports and Pilotage is mainly due to

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the necessity for provision to meet the additional expenditure consequent on the system of guaranteed remuneration to pilots, and to meet charges for the reorganization of the various shipping offices, provision for freight charges and for the purchase of marine stores. The provision for Education also shows a decrease of about Rs. 5 lakhs as compared with the current year. This reduction is more apparent than real, and is due to large deductions made on account of probable savings. The department has been unable to spend in full the annual grants made to them by the Government of India, and in the case of several schemes it does not appear probable that sanction will be accorded, and expenditure incurred, during the coming year. A provision of Rs. 15 lakhs has been made, in accordance with the instructions of the Government of India for expenditure on schemes arising out of the report of the Calcutta University Commission, but as it is not anticipated that such expenditure will be of any considerable amount in 1919-20, a sum of Rs. 12 lakhs has been set off as probable savings against this item. The allotment for grant-in-aid has been increased by Rs. 1 lakh to meet a capital grant to the Calcutta Girls' High School and a provision of Rs. 1,55,000 has been made for the completion of the scheme for the improvement of the sewerage and drainage of the Sibpur Civil Engineering College. Other educational allotments of importance are those of Rs. 30,000 for the furtherance of the scheme of madrasa reforms, and Rs. 24,000 for the appointment of additional inspectresses of schools. Details as to the distribution of the Imperial grant of Rs. 5,50,000 for the development of primary education, are given in paragraph 28 in Part II of this memorandum. The increase under Medical is mainly due to a provision of Rs. 1,50,000 for raising the emoluments of the officers of the Indian Medical Service. Owing to the unfavourable agricultural conditions prevailing in certain parts of the Presidency a provision of Rs. 2 lakhs has been made under "33—Famine Relief" for expenditure on relief measures. Of this sum only Rs. 50,000 is debitable to Provincial revenues and the balance to Imperial revenues. In the Civil Works budget, there is provision to the extent of Rs. 34,20,000 for new works including minor works, details of which are given in Part II of this memorandum, while the usual necessary allotment has been made for works in progress, repairs and establishment. The allotment for works in progress and repairs is considerably higher than that of recent years, as it includes provision for the works in progress in connection with the partition of the districts of Midnapore and Mymensingh and the police reorganization schemes, and allows for the expenditure necessary to effect repairs neglected while the financial situation was adverse.

Large reductions appear under Jails and Scientific and other Miscellaneous Departments. The smaller provision under the former is due to a reduction in the estimate for the purchase of raw material, and under the latter mainly to the absence of any provision for the purchase of quinine from private firms.

The closing balance has been placed at Rs. 3,23,23,000. Of this Rs. 20 lakhs represents the prescribed minimum closing balance of the Province, which must be kept intact, while Rs. 2,21,27,000 represents the unspent balances of Imperial recurring and non-recurring grants, or sums which are ear-marked for specific purposes as detailed below, and which must be spent on those objects. The free Provincial balance therefore amounts to Rs. 81,96,000 which may be spent in future years :—

	Rs.
Balance of Imperial grants for Education ...	1,17,04,000
Ditto ditto Medical purposes ...	4,30,000
Ditto ditto Sanitation ...	60,98,000
Ranchi lunatic asylum ...	14,95,000
Amount ear-marked for Provincial equipment ...	24,00,000
Total ...	2,21,27,000
Minimum closing balance ...	20,00,000
Total ...	2,41,27,000
Available free balance ...	81,96,000
Total ...	3,23,23,000

The 12th March 1919.

H. WHEELER.

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PART II.

The references in the margin are to the pages of the Civil Budget Estimate

I and 3—Land Revenue.

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Revenue.

	ACTUALS.			Budget estimate, 1918-19.	Revised estimate, 1918-19.	Budget estimate, 1919-20.
	1915-16.	1916-17.	1917-18.			
SHARED.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Ordinary revenue—fixed collections ...	2,27,72,077	2,24,85,688	2,24,42,108	2,25,50,000	2,26,70,000	2,25,00,000
Sale of Government estates	1,96,703	1,475	53,400	3,000	1,000	5,000
Sale-proceeds of waste lands, etc. ...	62,721	83,815	51,731	60,000	83,000	50,000
Assessment of alienated lands—fees less quit-rents ...	69,172	68,616	67,427	68,000	68,000	68,000
Recoveries on account of survey and settlement charges ...	13,698	10,603	7,050	6,000	6,000	10,000
Rents, etc., of fisheries ...	870	2,019	4,773	6,000	3,000	7,000
Miscellaneous ...	1,72,728	1,97,300	1,64,802	2,00,000	2,19,000	2,00,000
Total shared ...	2,32,87,969	2,28,49,518	2,27,91,091	2,28,93,000	2,30,00,000	2,28,40,000
Provincial share (one-half)	1,16,43,984	1,14,24,759	1,13,95,545	1,14,47,000	1,15,00,000	1,14,20,000
Ordinary revenue collections from Government estates ...	49,17,591	50,76,709	47,04,247	51,00,000	51,00,000	52,00,000
Recovery of cost of maintenance of boundary pillars ...	240	992	20,088	1,000	21,000	1,000
Total ...	1,65,61,815	1,65,02,460	1,61,19,880	1,65,48,000	1,66,21,000	1,66,21,000

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Expenditure.

	ACTUALS.			Budget estimate, 1918-19.	Revised estimate, 1918-19.	Budget estimate, 1919-20.
	1915-16.	1916-17.	1917-18.			
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Survey and settlement ...	86,747	1,04,256	89,903	1,15,000	1,14,000	2,10,000
Charges of district administration ...	28,62,570	28,71,098	27,75,970	28,10,000	28,04,000	28,99,000
Management of Government estates ...	4,39,200	4,39,845	5,54,531	6,20,000	5,09,000	6,25,000
Charges on account of Land Revenue collections ...	17,369	14,881	9,400	14,000	27,000	14,000
Land records ...	70,801	62,401	64,222	69,000	64,000	76,000
Total ...	34,76,687	34,92,481	34,94,026	36,28,000	35,18,000	38,14,000

Page 6.

REVENUE.

1. The Provincial share of this head of revenue is one-half, except for receipts from Government estates and from recovery of the cost of maintenance of boundary pillars, which are wholly provincial.

The budget estimate for the current year was fixed at Rs. 1,65,48,000, but on the basis of the latest actuals the revised estimate for the current year has been placed at Rs. 1,66,21,000. The increase of Rs. 73,000 in the revised estimate as compared with the sanctioned estimate, is mainly under the head—"Ordinary revenue—fixed collections" due to better collection of arrears in the earlier part of the year and under "Recovery of the cost of maintenance of boundary pillars". The sanctioned estimate under the latter

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head is only Rs. 1,000, but the revised estimate has been fixed at Rs. 21,000 on the basis of the latest actuals.

On the assumption that agricultural conditions next year will, on the whole, be normal, the estimate for the year 1919-20 has been fixed at Rs. 1,66,21,000 which is the same as the revised estimate for the current year.

EXPENDITURE.

2. The total provincial expenditure for 1919-20 is estimated at Rs. 38,14,000 against the revised estimate of Rs. 35,18,000 for the current year and the sanctioned budget estimate of Rs. 36,28,000 for 1918-19. The large saving in the revised estimate is mainly under the head "Management of Government estates," consequent on the non-utilization of the full provision for outlay on improvements in Government estates. It is also due to the discontinuance of the payment of exchange compensation allowance, and savings under salaries owing to the deputation of additional officers to military duty. Page 22 and 27 to 35.

As regards the budget estimates for 1919-20 larger provisions under (1) survey and settlement, and (2) charges of district administration account mainly for the increase of Rs. 1,86,000 as compared with the sanctioned estimate for the current year. The large increase under (1) is mainly due to a lump provision of Rs. 57,000 for the initiation of settlement operations in the Darjeeling Terai (Rs. 32,000) and Kalimpong Government estates (Rs. 25,000), and to increased provision for minor settlements. The main reason for the increase under (2) is the inclusion of a provision of Rs. 1,25,000 for the appointment of circle officers against a provision of Rs. 25,000 in the current year's budget for the same purpose. The war bonus recently sanctioned for menials also contributes towards the increase. Under management of Government estates, the estimate includes a lump provision of Rs. 25,000 for the settlement of waste lands in the Sunderbans, of the 24-Parganas, under the raiyatwari system, while the small increase under land records is due to larger provision for the revision of land registration registers and to the increase in the pay of menials recently sanctioned.

IV and 6—Stamps.**Revenue.**

Page 7.

	ACTUALS.			Budget estimate. 1918-19.	Revised estimate. 1918-19.	Budget estimate. 1919-20.
	1915-16.	1916-17.	1917-18.			
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Sale of general stamps ...	62,96,051	70,89,758	68,78,549	64,00,000	73,00,000	81,00,000
Sale of court-fee stamps	1,54,15,690	1,63,53,246	1,61,90,869	1,70,50,000	1,68,50,000	1,67,00,000
Sale of plain paper to be used with court-fee stamps ...	3,22,885	3,53,696	3,46,214	3,55,000	3,45,000	3,60,000
Duty on impressing documents ...	2,65,904	2,53,262	2,59,598	2,40,000	2,74,000	2,85,000
Fines and penalties ...	36,631	38,239	36,195	40,000	30,000	40,000
Miscellaneous ...	1,00,179	63,769	905	15,000	1,000	15,000
Total ...	2,24,37,340	2,41,51,970	2,32,11,880	2,41,00,000	2,48,00,000	2,55,00,000
Provincial share (one half).	1,12,18,670	1,20,75,985	1,16,05,915	1,20,50,000	1,24,00,000	1,27,50,000

* This head is not open to discussion.

*Revised Financial Statement.***Expenditure.**

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	ACTUALS.			Budget estimate. 1918-19.	Revised estimate. 1918-19.	Budget estimate. 1919-20.
	1915-16.	1916-17.	1917-18.			
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Superintendence ...	26,216	30,061	26,773	32,000	26,000	31,000
Charges for the sale of general stamps.	2,20,128	2,41,236	1,96,131	2,42,000	1,90,000	2,10,000
Charges on sale of court-fee stamps.	1,15,289	1,25,970	1,27,198	1,40,000	1,24,000	1,35,000
Discount on plain paper ...	20,093	22,187	21,627	23,000	21,000	23,000
Stamp and plain paper supplied from Central Stores ...	2,00,984	2,06,917	2,58,468	3,00,000	2,70,000	2,84,000
Total ...	5,82,710	6,26,371	6,30,197	7,37,000	6,31,000	6,83,000
Provincial share (one-half) ...	2,91,355	3,13,186	3,15,099	3,69,000	3,16,000	3,42,000

REVENUE.

Page 7.

3. The receipts represent the share, credited to this major head, of the sale-proceeds of the unified postal and revenue stamps, the sale-proceeds of bills of exchange and other general stamps, and of stamped papers for the copies of documents, court-fee stamps and plain papers, the duty on embossing receipt, cheque and other stamps, the duty levied under the Indian Stamp Act, 1899, on documents brought for adjudication and on documents unstamped or insufficiently stamped, and fines and penalties levied by Judicial and Revenue officers under the Stamp Act on insufficiently stamped instruments. The revenue from the unified postal and revenue stamps is credited to the imperial head "Post Office", but a sum of Rs. 4,99,000 is credited under the sub-head "Sale of general stamps", as the Civil Department share of the sale-proceeds of these stamps.

The actuals of 1917-18 amounted to Rs. 2,32,12,000, but the collections up to the end of December 1918 show an increase of Rs. 9,30,000 as compared with the corresponding period of the last year. The increase is mainly under the head "Sale of general stamps", and is partly due to improved prosperity in certain trades in the earlier part of the year in Calcutta, and partly to the execution of a greater number of documents in the mofassil on account of the high prices of food grains in the latter part of the year. Owing to adverse economic conditions, however, there has been a falling off in litigation. The fall in revenue under the head "Sale of court-fee stamps" would have been larger but for the payment of large administration duties in respect of certain estates as well as a large number of applications for administration grants in the High Court. With uncertainty as to trade, pending the final settlement of war and peace problems, no great increase in the revenue from "Stamps" can safely be anticipated during the next few months of this year, and the revised estimate for 1918-19 has been placed at Rs. 2,48,00,000.

With the prospect of new industrial development and a revival of trade next year an improvement in the stamp revenue may be confidently hoped for, and allowing for an increase of 7 lakhs over the revised estimate for 1919-20 has been fixed at Rs. 2,55,00,000. The provincial share is one-half, and amounts to Rs. 1,24,00,000 for 1918-19, and Rs. 1,27,50,000 for 1919-20.

EXPENDITURE.

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4. The estimate for 1918-19 was Rs. 7,37,000, but this has been reduced to Rs. 6,31,000 in the revised estimate owing partly to a fall in the consumption of plain paper, resulting in smaller charges under "Stamps and plain paper supplied from Central Stores", and partly to less expenditure under "Discount on sale of other general stamps," and "Charges on sale of court-fee stamps". The saving under the last named head is due to a falling off in litigation resulting in a fall in revenue, as already explained. The small saving under "Superintendence" is mainly under

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the head "Establishment" and is due to the Superintendent of the Stamp office having been transferred to the Income-tax office, no one being appointed to fill his post.

The budget estimate for 1919-20 has been fixed at Rs. 6,83,000, and includes larger provision as compared with the revised estimate for discount on the sale of stamps and a larger issue of stamp papers. The charges of this department are divided equally between imperial and provincial revenues, and the provincial shares amount to Rs. 3,16,000 and Rs. 3,42,000, respectively.

V and 7—Excise.**Revenue.**

	ACTUALS.			Budget estimate. 1918-19.	Revised estimate. 1918-19.	Budget estimate. 1919-20.
	1915-16.	1916-17.	1917-18.			
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
License and distillery fees and duties for the sale of liquors and drugs ...	1,16,29,865	1,12,21,403	1,26,44,627	1,26,30,000	1,46,50,000	1,53,00,000
Gain on sale-proceeds of excise opium and other drugs ...	16,42,213	13,27,533	12,94,317	15,80,000	15,30,000	17,30,000
Duty on ganja ...	18,14,514	18,35,037	16,37,465	17,40,000	15,50,000	16,00,000
Fines, confiscations and miscellaneous.	53,682	60,256	59,813	50,000	70,000	70,000
Total ...	1,51,40,074	1,44,44,229	1,56,36,222	1,60,00,000	1,78,00,000	1,87,00,000

Page 8-

Expenditure.

	ACTUALS.			Budget estimate. 1918-19.	Revised estimate. 1918-19.	Budget estimate. 1919-20.
	1915-16.	1916-17.	1917-18.			
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Superintendence ...	1,20,855	1,28,854	1,48,966	1,63,000	1,56,000	1,65,000
Presidency establishment ...	1,25,497	1,93,575	1,82,828	1,92,000	2,10,000	1,99,000
District executive establishment	5,40,114	6,08,819	6,28,157	6,63,000	6,56,000	6,80,000
Distilleries ...	1,88,392	2,08,245	2,39,710	2,67,000	2,25,000	2,93,000
Deduct—Fixed share chargeable to "5—Salt."	2,00,000	2,00,000	2,00,000	2,00,000	2,00,000	2,00,000
Total ...	7,74,858	9,39,493	9,99,661	10,85,000	10,47,000	11,37,000

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REVENUE.

5. The actuals of 1917-18 amounted to Rs. 1,56,36,000, and those in the first nine months of the current year show an increase of Rs. 14,84,000 as compared with the actuals of the corresponding period of the preceding year; the revised estimate for the current year has therefore been fixed at Rs. 1,78,00,000. The rise in revenue is mainly due to an increase in the consumption of country spirit in Calcutta and the adjoining districts of Hooghly, Howrah and the 24-Parganas; the total consumption for the first nine months of the year in this part of the Presidency has risen from 263,582 proof gallons in 1917-18 to 327,585 proof gallons in 1918-19. This increase is

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the result of the extension to the industrial areas round Calcutta, with effect from 1st April 1918, of the restrictive measures of fixed prices and the monthly adjustment of license fees which obtains in Calcutta. There has also been an increase in revenue from the duty on Indian-made foreign liquor and a rise in the opium receipts due to the higher treasury price of opium.

With the cessation of hostilities the probabilities are that there will be a further increase in the consumption of excisable articles, bringing in larger receipts in license fees and duty. The budget estimate for 1919-20 has therefore been fixed at Rs. 1,87,00,000.

Pages 36 to 41.

EXPENDITURE.

6. The total expenditure for 1918-19 was originally estimated at Rs. 10,85,000, but in view of the actuals of the first nine months, the revised estimate for the current year has been placed at Rs. 10,47,000, savings being anticipated mainly in salaries under "Superintendence," and "Presidency Establishment" and in the estimates for establishment and contingencies under "Distilleries."

The estimate for the coming year has been framed at Rs. 11,37,000. Besides allowing a larger provision of Rs. 29,000 for travelling allowance of officers and establishment under "District Executive Establishment" based on recent actuals, the estimate includes Rs. 2,460 for the appointment of a prosecutor in Excise and Salt cases, Calcutta, Rs. 2,520 for the entertainment of additional establishment in the areas in which the tree tax system has been introduced, and Rs. 2,880 for the employment of female Excise preventive officers to detect smuggling of excisable articles by women employed by smugglers.

VI.—Provincial Rates.**Revenue.**

Page 8.

	ACTUALS.			Budget estimate. 1918-19.	Revised estimate. 1918-19.	Budget estimate. 1919-20.
	1915-16.	1916-17.	1917-18.			
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Public Works Cess ...	1,27,682	29,219	3,675	...	...	...
General rates for the management of private estates.	1,05,171	1,05,622	1,35,416	1,17,000	1,23,000	1,24,000
Total ...	2,33,853	1,34,841	1,39,091	1,17,000	1,22,000	1,24,000

This head is not open to discussion.

REVENUE.

7. Since the surrender of the Public Works Cess to District Boards this head of revenue is now practically confined to the general rates which are levied from Wards estates so as to cover approximately the cost of management (including supervision charges and contributions for pension and leave allowances) of the staff employed. The variations in the receipts from year to year are due to old estates being released from management by the Court of Wards and new ones being taken up. The increase in the revised estimate for the current year is due to the assumption of charge of certain large estates in the districts of Dinajpur, Malda and Mymensingh. The receipts would have been larger but for the release of the share of Babu N. G. Biswas in the Janbazar Estate No. I and the transfer of the management of the Balasore portion of Babu B. L. Mukerjee's trust estate to the Government of Bihar and Orissa.

*Revised Financial Statement.***VIII and 10—Income-tax.*****Revenue.**

Page 6.

	ACTUALS.			Budget estimate, 1918-19.	Revised estimate, 1918-19.	Budget estimate, 1919-20.
	1915-16.	1916-17.	1917-18.			
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Income-tax ...	72,26,611	1,68,56,428	2,07,92,470	2,15,00,000	2,20,00,000	1,77,50,000
Provincial share (one-half)	36,13,306	84,27,714	1,03,96,235	1,07,50,000	1,10,00,000	88,75,000

*This head is not open to discussion.

Expenditure.

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	ACTUALS			Budget estimate, 1918-19.	Revised estimate, 1918-19.	Budget estimate, 1919-20.
	1915-16.	1916-17.	1917-18.			
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Calcutta establishment ...	90,210	98,967	1,09,774	1,16,000	1,21,500	1,39,000
District ditto ...	62,754	63,787	64,398	62,000	64,500	73,000
Total ...	1,52,964	1,62,754	1,74,172	1,78,000	1,86,000	2,12,000
Provincial share (one-half)	76,482	81,377	87,086	89,000	93,000	1,06,000

REVENUE.

Page 9.

8. Considering that several companies, in particular those connected with the jute trade, earned profits far beyond expectation in the early part of 1917, while others, which had up till then been working at a loss, were able to pay dividends; the estimate for the year 1918-19 was fixed at Rs. 2,15,00,000, against the revised estimate of Rs. 2,11,00,000 for 1917-18. The nine months' actuals, however, show that the actual receipts are likely to exceed the estimate for 1918-19 by Rs. 5 lakhs. The profits of the jute industry have been still better this year, while there has been increased prosperity in certain mercantile trades, and taking into consideration as against this, the state of the cotton piece-goods trade, the exemption of all incomes below Rs. 2,000 per annum from assessment to income-tax with effect from the 1st April next, and the rebate that shall have to be given for the purpose of the income-tax, in respect of the amounts paid as excess profits duty, the budget estimate for the next year has been placed at Rs. 88,75,000. As owing to the changes in taxation there will be a loss in the Provincial share of the income-tax otherwise leviable on income below Rs. 2,000 per annum and on that portion of the higher income which will be paid to Imperial Government as excess profits duty, an assignment of the amount so lost will be made by the Government of India through the "Transfer Budget".

With effect from the 1st of April 1916 the Government of India imposed additional taxation, and that part of the increase which depends on the increased rates is made over to the Government of India by means of an assignment under the transfer head in accordance with their decision to appropriate the whole of the extra receipts from the new rates to the needs of the Imperial Exchequer. Excluding, therefore, the full increment due to new taxation, the revenue from income-tax is shared equally between Imperial and Provincial. No part of the super-tax on incomes imposed under Act VIII of 1917 and the duty on excess profits proposed to be imposed from 1st April next are included under this divided head, as the proceeds are wholly Imperial.

Pages 41 to 43.

EXPENDITURE.

9. The amount provided for 1919-20 is higher by Rs. 34,000 than this year's allotment and higher by Rs. 26,000 than the revised estimate. The

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increase in expenditure is due partly to an enhancement in the pay of the Deputy Collector of Income-tax, but mainly to the revision of the strength and pay of the assessors employed in Calcutta, to the revision of the clerical staff of the Calcutta Income-tax office, and to the appointment of additional assessors and establishment in the Rajshahi Division, necessitated by the large increase in work consequent on the introduction of the new Income-tax Act, VII of 1918. The Provincial share is one-half, and amounts to Rs. 93,000 and Rs. 1,06,000, respectively.

IX and 11—Forests.

Page 9.

Revenue.

	ACTUALS.			Budget estimate, 1918-19.	Revised estimate, 1918-19.	Budget estimate, 1919-20
	1915-16.	1916-17.	1917-18.			
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Timber and other produce removed from the forests by Government agency ...	2,328	15,557	22,280	1,66,200	3,17,000	60,000
Timber and other produce removed from the forests by consumers or purchasers ...	10,85,354	12,53,903	12,88,333	13,61,000	14,00,000	14,84,000
Confiscated drift and waif wood	6,940	10,906	9,649	11,500	10,000	11,000
Miscellaneous ...	50,988	58,413	56,708	61,300	73,000	75,000
Total ...	11,45,610	13,38,779	13,76,970	16,00,000	18,00,000	16,30,000

Page 48.

Expenditure.

	ACTUALS.			Budget estimate, 1918-19.	Revised estimate, 1918-19.	Budget estimate, 1919-20.
	1915-16.	1916-17.	1917-18.			
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Conservancy and Works ...	2,36,698	2,49,992	3,58,840	3,75,000	4,57,000	3,73,000
Establishments ...	3,56,987	3,69,657	3,79,873	3,75,000	3,73,000	3,93,000
Total ...	5,93,685	6,19,649	7,38,713	7,50,000	8,30,000	7,66,000

Page 8.

REVENUE.

10. Assuming that the demand of the Munitions Board for sleepers and timber for war purposes would be larger this year, the estimate for 1918-19 was fixed at Rs. 16,00,000 against the revised estimate of Rs. 15,00,000 for 1917-18. The demands of the Munitions Board for timber and of the Railway companies for sleepers have, however, far exceeded expectations, and a large increase in revenue under the head "Timber and other produce removed from the forests by Government agency" is therefore expected. The increase under this head is also due to the adjustment this year of the cost of timber and sleepers supplied to the Munitions Board at the end of last year. Considering this and the fact that there has also been an increase in the demand for timber by consumers and purchasers, the revised estimate for the current year has been fixed at Rs. 18,00,000.

Owing to the cessation of hostilities the demand for timber and sleepers for military purposes, will not continue next year, but following the end of the war, it is expected that there will be larger demands for all kinds of raw material from consumers and purchasers, and on this assumption the budget estimate for the next year has been placed at Rs. 16,30,000.

Pages 43 and 44.

EXPENDITURE.

11. The sanctioned budget for the current year is Rs. 7,50,000 and the revised estimate has been taken at Rs. 8,30,000 to provide for larger

Revised Financial Statement.

expenditure to meet the demand of the Munitions Board for increased supply of timber and sleepers. This increased outlay, however, it may be pointed out, will be accompanied by increased revenue during the year.

The budget estimate for the ensuing year has been passed for Rs. 7,66,000 which is higher by Rs. 16,000 than the sanctioned estimate of 1918-19, and lower by Rs. 64,000 than the revised estimate for the current year. Under "B—Establishment", besides provision according to the sanctioned scale, with the usual deductions for probable savings, a provision of Rs. 6,000 has been made for the appointment of two extra Assistant Conservators of Forests. The provision for timber operations by Government agency has been reduced, as the amount of business in timber contracts is not likely to equal that done in the current year. Provision has, however, been made for the feed and keep of a larger number of elephants and to meet the increased cost of maintenance of steam launches and flats. The next year's estimate also includes a lump provision of Rs. 24,000 for the purchase of barbed wire and sheep netting for the Buxa and Jalpaiguri divisions, and larger outlay on communications and buildings.

X and 12—Registration.**Revenue.**

Page 10.

	ACTUALS.			Budget estimate, 1918-19.	Revised estimate, 1918-19.	Budget estimate, 1919-20.
	1915-16.	1916-17.	1917-18.			
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Fees for registering documents	18,85,499	19,81,536	17,43,720	17,80,000	17,56,000	17,56,000
Fees for copies of registered documents.	70,625	77,763	78,605	80,000	64,000	64,000
Miscellaneous ...	79,944	89,628	86,702	1,00,000	80,000	80,000
Total ...	20,36,068	21,48,927	19,04,027	19,60,000	19,00,000	19,00,000

Expenditure.

Page 46

	ACTUALS.			Budget estimate, 1918-19.	Revised estimate, 1918-19.	Budget estimate, 1919-20.
	1915-16.	1916-17.	1917-18.			
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Superintendence ...	74,457	78,883	79,591	74,000	74,000	74,000
District charges ...	10,52,871	10,55,887	10,61,448	10,83,000	10,51,000	11,47,000
Total ...	11,27,328	11,34,770	11,41,039	11,57,000	11,25,000	12,21,000

REVENUE.

Page 10

12. Owing to adverse economic conditions the actual collections in the first nine months of 1918-19 show a falling off of Rs 1,25,000 as compared with those of the corresponding period of the preceding year, and the revised estimate has, therefore, been placed at Rs. 19,00,000 against the budget estimate of Rs. 19,60,000. As no increase in revenue is expected next year, the estimate for 1919-20 has been fixed also at Rs. 19,00,000.

EXPENDITURE.

Pages 46 to 47

13. The minor head "Superintendence" comprises charges on account of the Inspector-General of Registration, his office establishment and contingencies, while "District Charges" represent the salary of district sub-registrars and sub-registrars and their establishments and contingent charges. The decrease in the revised estimate for 1918-19 under the head "District sub-registrars and sub-registrars", as compared with the sanctioned estimate

Revised Financial Statement.

for the current year is mainly due to savings under "Salaries" and "Establishment". The savings would have been larger but for the increased rate of pay recently sanctioned for menials.

The budget estimate for 1919-20 is higher by Rs. 64,000 than the sanctioned estimate for 1918-19. The increase is mainly due to a lump provision of Rs. 48,000 for a partial revision of the pay of the ministerial establishment of district headquarters and rural registration offices, and to larger provision for the opening of new sub-registry offices. A provision of Rs. 11,000 has also been made for the revision of the cadre of district sub-registrars which has received the sanction of the Secretary of State, and the introduction, as a tentative measure, of a system of district registrars on the lines followed in Madras.

1.—Refunds and Drawbacks.*

Page 21

Expenditure.

	ACTUALS.			Budget estimate, 1918-19.	Revised estimate, 1918-19.	Budget estimate, 1919-20.
	1915-16.	1916-17.	1917-18.			
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Land Revenue ...	17,071	30,444	15,319	20,000	20,000	20,000
Stamps ...	85,473	90,064	1,00,578	90,000	83,000	90,000
Excise ...	65,127	97,713	75,696	55,000	67,000	75,000
Income-tax ...	10,611	47,448	44,580	40,000	80,000	85,000
Forest ...	648	280	2,750	1,000	2,000	1,000
Provincial rates ...	—276	140	588	1,000	1,000	...
Registration ...	2,717	2,273	3,510	2,000	4,000	3,000
Total ...	1,81,371	2,68,362	2,43,021	2,09,000	2,57,000	2,74,000

* Drawbacks occur under Customs only and are wholly Imperial.

EXPENDITURE.

14. The amounts shown above represents the debits to Provincial funds of the expenditure under refunds in proportion to the Provincial shares of the revenues under the respective heads in connection with which refunds are made. The charges under the head are of a fluctuating character and are not subject to any departmental control. Owing to the new procedure prescribed in the new Indian Income-tax Act, VII of 1918, in accordance with which income-tax is levied, in the first instance, at one anna in the rupee on the total profits of companies and owners of securities, refunds being subsequently allowed to individual share-holders or stock-holders, the amount paid in income-tax refunds has nearly doubled during the current year. The budget estimate for 1919-20 makes sufficient allowance for this.

Page 21.

2.—Assignments and Compensations.

	ACTUALS.			Budget estimate, 1918-19.	Revised estimate, 1918-19.	Budget estimate, 1919-20.
	1915-16.	1916-17.	1917-18.			
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Land revenue compensation ...	71	19	...	6	...	6
Pension in lieu of resumed lands	1,048	825	904	1,000	1,000	1,000
Malikana ...	28,911	58,851	59,271	45,000	37,000	48,000
Excise ...	...	...	16,224	97,346	1,00,000	1,01,340
For rounding ...	...	...	...	—346	...	—346
Total ...	30,030	54,695	76,399	1,43,000	1,33,000	1,50,000

This head is not open to discussion.

*Revised Financial Statement.***EXPENDITURE.**

15. The minor heads under this major head are treated as wholly Imperial, wholly Provincial, or divided between Imperial and Provincial, according to the classification of the corresponding heads of revenue, but purely Imperial minor heads which are not under the financial control of the Government of Bengal are not shown in the above statement. The charges consist chiefly of pensions paid to landholders as compensation for lands resumed by Government, malikana allowances and other special compensations. Excise compensations represent mainly the compensation paid by Government in lieu of abkari rights which have been resumed in Native States. The main items under this head are an annual payment to the Bhutan Darbar of a sum of Rs. 97,340 as compensation for the removal of liquor shops from the borders of the State, and of Rs. 4,000 to the Cooch Behar State for the transfer to Government of the excise administration of certain isolated areas belonging to the State.

XII and 13—Interest.**Revenue.**

Page 11.

	ACTUALS—			Budget estimate, 1918-19.	Revised estimate, 1918-19.	Budget Estimate, 1919-20.
	1915-16.	1916-17.	1917-18.			
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Interest on Provincial loans and advances.	4,40,400	6,23,113	6,89,685	5,41,400	5,16,100	5,18,200
Interest on Government securities	12,290	12,281	12,281	12,300	12,000	12,300
Miscellaneous ...	10,861	13,648	7,825	1,600	7,000	7,300
For rounding	—300	—100	+200
Total ...	4,63,551	6,49,042	6,89,791	5,55,000	5,35,000	5,33,000

*** Expenditure.**

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	ACTUALS—			Budget estimate, 1918-19.	Revised estimate, 1918-19.	Budget Estimate, 1919-20.
	1915-16.	1916-17.	1917-18.			
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Interest on Provincial advance and loan accounts.	4,76,626	5,01,745	4,72,123	4,53,000	4,42,000	4,47,000

* This head is not open to discussion.

REVENUE.

Page 11.

16. The revenue represents mainly the interest received by the local Government on advances and loans made from the Provincial advance and loan account. This account, the capital transactions of which are outside the budget figures, provides for the grant of loans to agriculturists, local bodies, etc. The monies required for the loans are furnished by the Government of India. The local Government pay interest thereon and bear losses due to bad debts. In order to cover risks and cost of management, the local Government charge a higher rate of interest than that which they have to pay to the Imperial Government. The revenue under this head also includes interest on Government securities belonging to institutions taken over by Government along with the endowments for the upkeep of such institutions, and also interest on advances to ex-students of weaving institutions. In spite of the enhancements, which are noticed below, of the rates of interest charged by the Government of India to this Government, no change has at present been made in the rate charged by this Government for loans to agriculturists. The rate of interest charged on loans to local bodies made after the enhanced rates came into force has, however, been raised to 6 per cent.

Revised Financial Statement.

The estimate of loans, as submitted to the Government of India, provides for a return in the way of interest during 1919-20 of Rs. 5,33,000 against Rs. 5,35,000, the revised estimate for 1918-19, as shown below :—

	Revised estimate, 1918-19.	Budget estimate, 1919-20.
	Rs.	Rs.
Interest on advances to cultivators, etc.	61,000	65,000
Interest on advances to co-operative societies	900	1,000
Interest on drainage and embankment advances	18,000	16,000
Interest on loans to landholders ...	1,68,000	1,54,000
Interest on loans to municipalities and district boards, etc. ...	2,68,000	2,77,000
Interest on advances to ex-students of the Weaving Institute ...	200	200
Interest on Government securities ...	12,000	12,300
Miscellaneous	7,000	7,300
For rounding	- 100	+ 200
Total ...	5,35,000	5,33,000

The variations between the revised estimate for 1918-19 and the budget estimate for the ensuing year are small and call for no remarks.

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EXPENDITURE.

17. The interest which is paid to the Government of India by the local Government, on sums placed at the disposal of the latter for advances and loans to cultivators, co-operative societies, notabilities, municipalities (excluding Presidency corporations), district boards and ex-students of the Weaving Institute and for advances on drainage and embankment schemes, is shown as expenditure under this head, the interest being calculated on the mean between the outstanding balance of the Provincial advance and loan account at the beginning and at the end of each year. The rate of interest charged to the local Government by the Government of India was until recently, $3\frac{1}{2}$ per cent. per annum, but with effect from the 1st October 1916 this rate was raised to $4\frac{1}{2}$ per cent. in respect of loans sanctioned by them on or after that date, and again to $5\frac{1}{2}$ per cent. in respect of loans sanctioned on or after the 1st April 1917, while loans sanctioned prior to those dates are charged at the old rate of $3\frac{1}{2}$ per cent.

18.—General Administration.

Page 48.

Expenditure.

	ACTUALS—			Budget estimate, 1918-19.	Revised estimate, 1918-19.	Budget Estimate, 1919-20.
	1915-16.	1916-17.	1917-18.			
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Salary of the Governor ...	1,20,000	1,28,387	1,11,613	1,20,000	1,20,000	1,20,000
Sumptuary allowance of the Governor ...	...	32,097	27,903	30,000	30,000	30,000
Expenditure from contract allowance ...	68,528	78,639	72,826	73,000	73,000	73,000
Staff and household of the Governor ...	2,88,767	2,94,880	3,07,702	3,24,000	3,18,000	3,22,000
Tour expenses ...	53,843	62,874	68,000	65,000	70,000	1,10,000
Executive Council ...	2,23,978	2,24,233	2,38,275	2,25,000	2,03,000	2,27,000
Legislative Council ...	1,11,589	1,13,749	1,30,302	1,40,000	1,30,000	1,41,000
Civil Secretariat ...	8,66,398	9,11,024	9,59,096	9,55,000	9,98,000	9,49,000
Board of Revenue ...	1,51,263	1,12,862	1,23,134	1,28,000	1,19,000	1,26,000
Commissioners ...	3,95,079	4,07,930	4,13,110	3,94,000	4,16,000	3,93,000
Civil offices of Account and Audit ...	1,09,442	1,15,705	1,31,980	1,34,000	1,34,000	1,47,000
Total ...	23,88,887	24,82,180	25,83,941	25,88,000	26,11,000	26,38,000

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EXPENDITURE.

Pages 48 to 60

18. The estimate for 1918-19 was fixed at Rs. 25,88,000, but considering the actuals of the first nine months of the current year, the revised estimate has been fixed at Rs. 26,11,000. The excesses occur mainly under the heads "Civil Secretariat" and "Commissioners". The increase under the former head is partly under the head "Salaries" due to the appointment of special officers to carry out special work which could not be foreseen when the budget was framed, and partly under establishment and contingencies consequent on the large increase in work caused by the war. The increase under the latter head is mainly under "Salaries and Establishment". The excesses would have been larger but for savings under "Staff and household of the Governor" owing to the non-utilization in full of the allotments for band and bodyguard establishments.

Against the actuals of Rs. 25,84,000 in 1917-18 and the sanctioned estimate of Rs. 25,88,000 for the current year, the budget estimate for next year has been fixed at Rs. 26,38,000. The increase is mainly due to a provision of Rs. 12,000 for the revision of the establishment of the Outside Audit Department of the Accountant-General's office, for which this Government will be fully reimbursed by the Government of India by an assignment through the transfer head, and to a provision of Rs. 35,000 for the construction of a new metre-gauge bogie saloon for the use of His Excellency the Governor. The war bonus recently sanctioned for menials also contributes towards the increase. Otherwise the usual provision has been made for officers on special duty and for temporary establishment, and the next year's estimates generally follow the sanctioned estimates for the current year.

XVIA.—and 19A—Law and Justice—Courts of Law.

Revenue.

Page 12.

	ACTUALS—			Budget estimate, 1918-19.	Revised estimate, 1918-19.	Budget estimate, 1919-20.
	1915-16.	1916-17.	1917-18.			
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Sale-proceeds of unclaimed and escheated property ...	22,546	24,617	35,376	38,000	30,000	35,000
Court-fees realized in cash ...	82,045	1,06,277	97,206	1,10,000	86,000	1,00,000
General fees, fines and forfeitures ...	6,75,747	7,35,415	8,22,642	8,59,000	7,66,000	8,20,000
Pledership examination fees ...	22,850	22,905	22,248	25,000	23,000	23,000
Miscellaneous fees and fines ...	5,686	3,813	1,14,275	1,70,000	1,35,000	1,80,000
Miscellaneous ...	35,125	28,353	30,453	30,000	27,000	30,000
Total ...	8,43,999	9,21,386	11,22,200	12,23,000	10,67,000	11,88,000

Receipts from court-fees and fines are not open to discussion.

Expenditure.

Page 61

	ACTUALS—			Budget Estimate, 1918-19.	Revised estimate, 1918-19.	Budget estimate, 1919-20.
	1915-16.	1916-17.	1917-18.			
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
High Court ...	16,79,724	14,16,577	14,65,450	15,62,000	14,36,000	14,91,000
Law officers ...	9,36,455	7,61,480	6,89,495	7,93,000	9,36,000	7,39,000
Administrator-General and Official Trustees ...	...	...	46,373	1,08,000	1,11,000	1,26,000
Coroner's Court ...	7,828	7,922	7,910	8,000	8,000	8,000
Presidency Magistrates' Courts ...	1,60,496	1,69,906	1,40,256	1,54,000	1,55,000	1,52,000
Civil and Sessions Court ...	48,45,729	48,36,172	49,20,046	48,83,000	51,10,000	51,60,000
Courts of Small Causes ...	2,47,786	2,58,498	2,70,080	2,67,000	2,54,000	2,86,000
Criminal Courts ...	23,48,004	23,92,202	25,87,890	23,20,000	23,26,000	23,90,000
Pledership examination charges ...	13,857	13,240	11,942	13,000	12,000	13,000
Refunds ...	71,731	64,190	69,262	67,000	72,000	70,000
Total ...	1,08,11,110	99,20,187	1,00,08,704	1,01,75,000	1,04,20,000	1,04,35,000

*Revised Financial Statement.***REVENUE.**

Page 12.

19. The principal source of revenue is "General fees, fines and forfeitures". The revenue under this head is, however, liable to fluctuation as it depends largely on the amount of judicial fines inflicted. The total collections under the major head in 1917-18 amounted to Rs. 11,22,000, and taking into account the fees and commissions that would be realized by the Administrator-General and Official Trustee, the estimate for this year was fixed at Rs. 12,23,000. The actuals, however, indicate that the sanctioned estimate is not likely to be realized and the revised estimate for 1918-19, has therefore been passed for Rs. 10,67,000. The fall occurs under all the minor heads, but is most marked under the head "court-fee realized in cash" and under "General fees, fines and forfeitures".

Following the revised estimate and allowing for a small expansion of revenue, the estimate for 1919-20 has been placed at Rs. 11,88,000.

EXPENDITURE.

Pages 61 to 65.

20. *High Court.*—Under this head are shown the salaries of the Judges and officers and establishments of the High Court, and the connected contingent expenditure. The saving in the revised estimate is mainly under "Salaries" owing to the two additional Judges, for whom a provision of Rs. 96,000 exists, not having been appointed; this provision has been appropriated to meet the cost of appointments of additional District and Sessions Judges in several districts. The ensuing year's estimates generally follow the revised estimates of the current year and include the following:—

	Rs.
Provision for an additional Judge at Rs. 4,000 per mensem for four months ...	16,000
Additional establishment for the reorganization of the record-room on the Appellate side ...	24,000

Pages 66 to 67.

Law officers.—This minor head comprises the charges on account of the Advocate-General, the Legal Remembrancer, the Government Solicitor, the Standing Counsel, the Public Prosecutor and Government Pleaders in the High Court and in the mufasal. It also includes the fees paid by Government to pleaders in civil and criminal cases and the excess in the revised estimate is mainly under this head. The expenditure being dependent on the number and importance of the cases entrusted to pleaders, the charge is of a fluctuating nature. The decrease in the estimate for 1919-20 as compared with the estimates for 1918-19, is mainly due to less provision under "Fees to pleaders".

Pages 71 and 72

Civil and Sessions Courts.—To this minor head are debited the charges in connection with the Courts of District and Sessions Judges, Subordinate Judges and Munsifs and process-serving and copyist establishments.

The steady increase in Judicial work necessitated, in several districts, the appointment of additional District Judges, Subordinate Judges and Munsifs to relieve the congestion of work and there is consequently an increase in the revised estimate for the current year. The budget estimate for 1919-20 contains an enhanced provision of Rs. 1,35,000 under "Process-serving establishment", to meet the cost of the war bonus recently sanctioned for menials, and a lump provision of Rs. 1,25,000 for the improvement of the pay of the officers of the Provincial Judicial Service. It also includes a few other schemes involving small expenditure, details of which are given in the schedule attached as an annexure to this memorandum.

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Courts of Small Causes.—The salaries of the Judges and officers of the Presidency and Mufassal courts, their establishment and connected contingent expenditure, are shown under this minor head. The only item of importance in the coming year's estimate is the provision of Rs. 14,724 for the appointment of a 7th Judge in the Calcutta Small Cause Court and his establishment.

Revised Financial Statement.

Criminal Courts.—Under this minor head the variations in the figures Page 75. follow the corresponding alterations under the head “3—Land Revenue—Charges of district administration”, a portion of which is transferred to this head. Larger provision under “Supplies and Services”, and a lump provision of Rs. 1,25,000 for the appointment of circle officers, are the chief causes that have contributed to the increase in the budget estimate for 1919-20.

XVIB and 19B—Law and Justice—Jails.**Revenue.**

Page 12.

	ACTUALS—			Budget estimate, 1918-19.	Revised estimate, 1918-19.	Budget estimate, 1919-20.
	1915-16.	1916-17.	1917-18.			
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Jails	7,903	1,138	925	2,000	1,000	1,000
Jail manufactures ...	9,01,245	12,11,902	12,00,788	13,50,000	12,99,000	10,00,000
Total ...	9,09,148	12,13,040	12,01,713	13,52,000	13,00,000	10,01,000

Expenditure.

Page 74.

	ACTUALS—			Budget estimate, 1918-19.	Revised estimate, 1918-19.	Budget estimate, 1919-20.
	1915-16.	1916-17.	1917-18.			
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Jails	17,75,645	19,22,545	19,39,344	19,80,000	21,07,000	20,48,000
Jail manufactures ...	7,28,698	8,72,291	10,95,214	10,21,000	12,27,000	9,60,000
Refunds ...	2,274	1,482	571	2,000	2,000	1,000
Total ...	25,06,617	27,96,318	30,35,129	30,03,000	33,36,000	30,04,000

REVENUE.

21. The main source of receipts under the head “Law and Justice—Jails”, is the sale-proceeds of articles manufactured in jails and supplied to the public and public departments. The revenue also includes the sale-proceeds of quinine packets. The fall in the revised estimate is mainly due to the Commissariat Department having ceased to indent for their supply of gunny cloth in the jails of this Presidency. The receipts during the last three years were swelled by the sale-proceeds of articles of jail manufacture to the Military Department, but as no such revenue is expected next year owing to the cessation of hostilities the budget estimate for 1919-20 has been fixed at Rs. 10,01,000. Page 12.

EXPENDITURE.

22. Under this head are shown (a) the salary of the Inspector-General of Prisons and the cost of his office establishment and contingencies, (b) the expenditure connected with the staff employed in the supervision of jails, (c) the charges for the maintenance of convicts, and (d) the cost of the purchase of raw materials for jail manufactures. The items (c) and (d) are fluctuating, being dependent on the strength of the jail population and on demands for jail manufactures. Variations in the price of food-grains, and outbreaks of epidemic diseases in jails, also affect the charges for maintenance of prisoners.

Jails.—Owing to the rise in the price of food-grains, cotton clothing, blankets, and medicines and other hospital equipment, which has been accompanied by an increase in the number of prisoners, the revised estimate for 1918-19 has been placed at Rs. 21,07,000 on the basis of recent actuals. In Pages 74 to 84.

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the hope that economic conditions will be better next year, and that the prices of clothing, blankets, and medicine may gradually come down more nearly to the rates which prevailed in pre-war times, the ensuing year's estimate has been fixed at Rs. 20,43,000. The only noticeable item in the estimate for 1919-20 is the provision for the opening of a new sub-jail at Sherpur in the Mymensingh district.

Pages 85 and 86.

Jail manufactures.—The increase in the revised estimate for the current year as compared with the sanctioned estimate for 1918-19, is mainly due to the rise in the price of cotton, woollen yarn and other raw materials used by the jails. The enhancement in the cost of European stores and freight charges due to the war and larger demands for police uniforms also contribute to some extent to the increase. Owing to the cessation of hostilities it is hoped that there will be some diminution in the price of raw materials, and on this assumption the budget estimate for 1919-20 has been fixed at Rs. 9,60,000. The next year's estimate includes a provision of Rs. 2,400 for the establishment of a central dépôt in the Juvenile Jail, for the distribution of quinine.

XVII and 20—Police.

Page 18.

Revenue.

	ACTUALS—			Budget estimate, 1918-19.	Revised estimate, 1918-19.	Budget estimate, 1919-20.
	1915-16.	1916-17.	1917-18.			
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Cash receipts under the Arms Act	724	809	347	1,000	200	500
Police supplied to public departments, private companies and persons.	23,115	24,937	21,323	25,000	19,000	23,000
Presidency police	1,24,496	1,17,109	1,21,495	1,17,000	1,29,000	1,62,000
Recoveries on account of village police.	267	279	321	300	300	500
Fees, fines and forfeitures	14,599	14,727	17,914	14,700	22,000	22,000
Miscellaneous	16,662	15,145	20,446	18,000	79,000	23,000
Superannuation receipts	...	24	3	...	...	...
Police supplied to municipalities, cantonments and town funds.	11,003	10,803	5,305	11,000	4,500	6,000
Total	1,90,866	1,83,638	1,87,154	1,87,000	2,54,000	2,37,000

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Expenditure.

	ACTUALS—			Budget estimate, 1918-19.	Revised estimate, 1918-19.	Budget estimate, 1919-20.
	1915-16.	1916-17.	1917-18.			
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Presidency police	18,26,337	19,61,039	21,14,749	22,13,000	21,53,000	22,77,000
Superintendence	3,05,727	3,46,816	4,04,646	3,26,000	3,21,000	3,23,000
District Executive force	74,71,950	77,99,845	85,38,077	96,58,000	89,19,000	93,22,000
Village police	17,844	13,290	7,121	13,000	7,000	10,000
Special police	3,13,481	3,12,025	3,24,858	3,29,000	3,32,000	3,73,000
Railway police	3,67,128	3,56,867	3,68,621	3,66,000	3,49,000	3,64,000
Criminal Investigation Department.	5,97,591	8,64,188	8,52,427	8,77,000	9,61,000	9,48,000
Cattle pounds	157	225	216	600	200	300
Refunds	4,568	2,388	2,572	3,000	2,800	3,700
For rounding	...	...	...	—600	...	...
Total	1,09,03,783	1,16,57,283	1,26,13,287	1,37,85,000	1,30,45,000	1,36,21,000

*Revised Financial Statement.***REVENUE.**

Pages 13 and 14.

23. The receipts under this head consist mainly of (a) fees and fines levied under the Cattle Trespass Act, (b) the recovery of the cost of Police supplied to public departments, private companies and persons and (c) fees levied under the Motor Cycles Act. The increase in the revised estimate for the current year as compared with the sanctioned estimate for 1918-19 is mainly due to the credit of a sum of Rs. 57,000 under this head, being the amount realized from the Military Department in payment for the steam launches commandeered by them for military purposes. With the passing of the Calcutta Hackney Carriage Act the control of vehicular traffic in Calcutta will now devolve on the Presidency Police. The budget estimate for 1919-20, therefore, includes an income of Rs. 30,000 from fees and fines leviable under the Act.

EXPENDITURE.

Pages 87 to 92.

24. *Presidency Police.*—The sanctioned estimate for 1918-19 under this head was Rs. 22,13,000, but in view of the actuals of the first nine months, this has been reduced to Rs. 21,53,000 in the revised estimate for the current year. The decrease is mainly due to savings under "Police force" and to the non-utilization in full of the provision for river patrol arrangement, owing to the steam launch "John Lambert", which was being constructed in the dockyard for the purpose, having been commandeered by the military authorities for war purposes.

The budget estimate for the coming year which has been fixed at Rs. 22,77,000 includes the following noticeable items:—

	Rs.
For the improvement of pay and prospects of European inspectors and sergeants	50,000
Reorganization and extension of the Indian traffic police	24,550
For the creation of three posts of Assistant Commissioners (Provincial) in lieu of three posts of Superintendents (Provincial) and the substitution of an Imperial Assistant Commissionership for one Provincial Assistant Commissionership	3,220
Additional police staff in connection with the loading and unloading of petroleum from vessels at Budge-Budge	4,401
Additional staff in connection with the Public Vehicles Department	40,000
Purchase of mosquito nets for head-constables and constables	5,000
Construction of a launch to replace the launch "John Lambert"	40,000

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Pages 98 to 100.

25. *District Executive Force*.—The salaries of District Superintendents, Assistant and Deputy Superintendents and of their establishments, and the cost of the District Police Force, and the Provincial police training schools at Sardah, Dacca and Berhampur are included under this head. The expenditure under this minor head represents nearly 69 per cent. of the expenditure under the whole major head. The decrease noticeable in the revised estimate is mainly due to the transfer of Rs. 5,75,000 to the Public Works Department for new works and works in progress in connection with the reorganization of the subordinate police in Eastern Bengal, but is also due to savings under the police force. A provision of Rs. 1,30,759 was made in the current year's budget in connection with the scheme for raising the proportion of the ordinary reserve of head-constables and constables. During the year a proposal was made that this provision should be utilized in the formation of a reserve police battalion, but this was subsequently abandoned. The recruitment of constables in part accomplishment of the original scheme thus began late in the year, and this accounts for a saving of Rs. 25,000 under this head. Four launches which were under construction in the dockyard were to have been delivered to the Police Department early this year, and provision for crew and stores was made for the whole year. Only three launches were delivered, and that not till after September, while one was not delivered at all, and consequently there was a saving of Rs. 22,000 out of the lump provision of Rs. 1,48,596 for the reorganization of the river police in Eastern Bengal.

The budget estimate for 1919-20 has been fixed at Rs. 93,22,000 against the sanctioned estimate of Rs. 96,58,000 for the current year. The large reduction in the next year's estimate is more apparent than real, as it is mainly due to large deductions of probable savings on the basis of recent actual expenditure, as well as to the absence of any provision for capital expenditure on buildings in connection with the reorganization of the subordinate police in Eastern Bengal, the necessary provision for this purpose being made in the Public Works Department budget. Besides providing for normal development the coming year's estimate provides Rs. 2,50,000 to meet the cost of the revised rates of pay of Imperial Police officers recently sanctioned by the Secretary of State, Rs. 2,17,260 for raising the pay of head-constables, Rs. 1,38,037 for raising the proportion of the ordinary reserve in pursuance of the scheme already undertaken, Rs. 11,019 for the entertainment of crews of five thana launches, Rs. 12,126 for raising the number of head-constables in Eastern Bengal to ultimate strength, and Rs. 6,601 for the appointment of additional constables for employment as armourers.

Pages 101 and 102.

Special Police.—Under this minor head are recorded the accounts of the Bengal Military Police, the Frontier Police, Chittagong, and the charges of the Upper Burma Police Depot. The increase in the ensuing year's estimate as compared with the sanctioned and revised estimates of this year, is mainly due to a provision of Rs. 32,207 for raising the strength of the Dacca Military Police battalion by the addition of a company, and Rs. 6,570 for the payment of allowances to non-commissioned officers and sepoy of the Dacca Military Police deputed for guard duty at jails.

Pages 103 and 104.

Railway Police.—This head includes the cost of the supervising staff and their establishments and the police force employed in the East Indian, Eastern Bengal, Bengal-Nagpur and Assam-Bengal Railways. Except in the case of expenditure in the Eastern Bengal railway, which is wholly met from Provincial revenues, the line being a State railway, seven-tenths of the total cost is realized from the railway companies concerned, the recoveries being shown as deductions from the charges. The budget estimate for 1919-20 provides for normal charges.

Pages 105 and 106.

Criminal Investigation Department.—The large increase in the revised estimate is mainly due to the revision of pay of the ministerial establishment of the Criminal Investigation Department, and to the entertainment, as a temporary measure for two years, of three inspectors and 13 sub-inspectors and 19 constables for the surveillance of the registered members of criminal tribes in the districts of 24 Parganas, Midnapore and Bakarganj. The budget estimate for 1919-20 generally follows the revised estimate for the current year and calls for no remarks.

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XVIII and 21—Ports and Pilotage.

Revenue.

Page 14.

	ACTUALS.			Budget estimate, 1918-19.	Revised estimate, 1918-19.	Budget estimate, 1919-20.
	1915-16.	1916-17.	1917-18.			
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Sale-proceeds of vessels and stores.	...	...	...	...	100	...
Registration and other fees, Calcutta.	76,189	73,309	70,953	70,000	76,000	72,000
Pilotage receipts, Calcutta	11,02,485	10,69,811	8,63,709	8,90,000	11,00,000	11,05,000
Miscellaneous	1,70,888	1,17,844	71,850	70,000	1,33,900	89,000
Total	13,49,562	12,60,964	10,06,412	10,30,000	13,10,000	12,64,000

Expenditure.

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	ACTUALS.			Budget estimate, 1918-19.	Revised estimate, 1918-19.	Budget estimate, 1919-20.
	1915-16.	1916-17.	1917-18.			
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Purchase and hire of ships and vessels.	...	...	...	...	5,000	...
Salaries and allowances of officers and men afloat.	1,49,534	1,08,884	92,638	1,00,000	1,01,000	1,17,000
Victualling of officers and men afloat.	42,358	27,878	32,829	30,000	34,000	32,000
Purchase of marine stores and coal for the building, repairs, and outfit of ships and vessels.	1,83,470	1,18,336	2,24,249	1,28,000	1,28,000	1,69,000
Pilotage and pilot establishments.	6,29,613	5,80,968	5,05,147	5,13,000	5,97,000	6,29,000
Ports and pilotage establishments.	1,23,866	59,038	78,826	74,000	63,000	95,600
Subsidies to Steamer Companies.	3,000	3,000	3,000	3,320	3,000	4,500
Miscellaneous	1,88,790	1,86,896	2,10,138	2,10,000	3,02,000	2,30,000
State yacht establishment	49,308	27,250	10,817	50,000	11,000	51,000
Refunds	3,124	2,779	2,541	3,800	3,000	3,000
For rounding	...	...	...	-120	...	-100
Total	13,73,063	11,15,029	11,60,185	11,12,000	12,47,000	13,31,000

REVENUE.

Page 14.

25. The large increase in the revised estimate as compared with the sanctioned estimate for 1918-19 is partly due to the imposition of surcharge pilotage fees in order to counter-balance the increase in expenditure due to the introduction of the system of guaranteed remuneration to officers of the Pilot service, and partly to the adjustment in the accounts of this year of Rs. 58,413 paid as hire by the Government of India for the pilot vessels "Fraser" and "Lady Fraser". The pilotage surtax, it may be mentioned, was discontinued from the 1st December last, as sufficient revenue had been obtained to meet the extra charges.

Owing to the cessation of hostilities, it is hoped that tonnage will gradually improve, causing a recovery in the receipts under the head "Pilotage receipts—Calcutta" and the budget estimate for 1919-20 has, therefore, been placed at Rs. 12,64,000.

EXPENDITURE.

Page 107 to 113.

26. The sanctioned budget estimate for the current year was Rs. 11,12,000, but on the basis of the actuals of the first nine months of the current year, the revised estimate for 1918-19 has been placed at Rs. 12,47,000. In view of the decrease in the earnings of the pilots owing to the shrinkage of tonnage visiting the port of Calcutta, Government have guaranteed a minimum remuneration to them, and the increase in the revised estimate is partly due to this, and partly to a grant of Rs. 1 lakh

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sanctioned for the improvement of the port of Chittagong. As pointed out above the extra cost on account of the extra remuneration to the pilots will be more than covered from the revenue realized by the imposition of the surtax. The increase in expenditure would have been larger but for the savings caused by the failure of Mr. Mott to submit his report on the construction of the new Howrah Bridge and the non-payment to him of the fee of Rs. 15,750 provided for the purpose in this year's budget.

In the budget estimate for 1919-20 provision has been made for payment of remuneration to the pilots under the guaranteed system, besides larger provision for the purchase of marine stores and for mooring hire. It also includes Rs. 18,480 for the appointment of mate pilots as chief officers, and of outsiders as junior officers, of the two pilot vessels "Fraser" and "Lady Fraser", in order to set free the leadsmen apprentices to study the conditions of the river, Rs. 3,000 for the appointment of a superintendent for the branch shipping office, Kidderpore, Rs. 8,180 for the revision of the strength of shipping establishments and Rs. 2,400 for increase in the salary of first engineer and shipwright surveyor. The usual annual grant of Rs. 1,50,000 for the Chittagong Port Fund has also been provided.

XIX and 22—Education.

Page 14.

Revenue.

	ACTUALS.			Budget estimate, 1918-19.	Revised estimate, 1918-19.	Budget estimate, 1919-20.
	1915-16.	1916-17.	1917-18.			
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Fees, Government colleges—						
General ...	3,21,927	3,48,322	3,56,415	3,50,000	3,86,000	4,00,000
Professional ...	60,892	59,539	60,821	63,000	60,000	62,000
Fees, Government schools—						
General ...	3,99,873	4,32,086	4,26,982	4,44,000	4,30,000	4,38,000
Special ...	33,365	39,864	39,166	41,000	41,000	45,000
Contributions from Native States, private persons and municipalities ...	18,431	12,135	15,225	15,000	15,000	16,000
Income from endowments ...	...	...	...	...	...	...
Miscellaneous ...	52,086	55,446	53,341	66,000	57,000	68,000
Total ...	8,86,574	9,47,392	9,51,950	9,79,000	9,89,000	10,29,000

Page 14.

Expenditure.

	ACTUALS.			Budget estimate, 1918-19.	Revised estimate, 1918-19.	Budget estimate, 1919-20.
	1915-16.	1916-17.	1917-18.			
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
University ...	1,15,000	1,21,076	1,16,199	1,15,000	1,15,000	16,15,000
Direction ...	1,64,393	1,52,171	1,62,286	1,57,000	1,28,000	1,54,000
Inspection ...	9,15,901	8,95,893	8,98,391	9,28,000	8,68,000	9,23,000
Government colleges { General ...	9,58,585	9,06,720	9,29,265	9,69,000	9,25,000	9,56,000
Professional ...	3,37,953	3,40,846	3,42,942	3,94,000	3,65,000	3,77,000
Government schools { General ...	18,93,164	20,62,678	22,29,573	27,68,000	22,75,000	24,04,000
Special ...	7,29,453	7,26,801	7,11,182	10,49,000	7,09,000	9,08,000
Grants-in-aid ...	29,45,916	18,98,911	20,18,445	23,29,000	21,92,000	26,43,000
Scholarships ...	2,51,352	2,48,827	2,49,598	2,81,000	2,69,000	2,76,000
Miscellaneous ...	1,73,707	3,36,261	4,25,960	7,17,000	3,30,000	7,05,000
Refunds ...	3,040	2,028	8,220	2,000	4,000	2,000
Lump provision for expenditure of the recurring Imperial assignment ...	...	...	...	24,000	...	10,200
Further grant for improvement of education ...	...	...	...	4,000	...	3,730
Lump provision for recurring expenditure for improving popular education ...	...	...	...	14,000	...	6,564
Lump provision for recurring expenditure for the development of primary education ...	...	...	...	5,50,000	3,00,000	2,664
Probable savings ...	...	...	...	...	...	12,00,158
Total ...	84,88,414	76,87,152	80,92,061	1,08,01,000	85,00,000	97,86,000

*Revised Financial Statement.***REVENUE.**

27. The actuals in 1917-18 amounted to Rs. 9,52,000 and the budget estimate for 1918-19 was Rs. 9,79,000. This has been raised to Rs. 9,89,000 in the revised estimate with reference to the actuals of the first nine months of the current year. Considering the steady increase in revenue during the last three years, the estimate for 1919-20 has been passed for Rs. 10,29,000 and includes larger collections from Government colleges and schools—General.

Pages 14 to 16.

EXPENDITURE.

28. The provision for education shows a decrease of about Rs. 5 lakhs as compared with the current year's sanctioned estimate and is mainly due to larger probable savings having been deducted in the light of the expenditure incurred by the department in recent years, as explained in detail below. Considering recent actuals, therefore, the budget for the coming year is a progressive one.

University.—The budget estimate of Rs. 16,15,000 is made up of recurring Imperial grants of Rs. 30,000 for administration, Rs. 20,000 for Law Colleges and Rs. 65,000 for the development of the University. Besides the above usual provision a lump provision of Rs. 15 lakhs has been made, at the instance of the Government of India, to provide for capital expenditure which the recommendations of the University Commission might entail. As it is unlikely, however, that any schemes following on these recommendations will mature early enough in the coming year to admit of so large an expenditure as Rs. 15 lakhs, a lump deduction of Rs. 12 lakhs has been made, and a net provision of Rs. 3 lakhs allowed to stand as the first instalment of the expenditure to be incurred in 1919-20.

Page 117.

Direction.—Under this minor head are shown the salaries of the Director of Public Instruction and of his Assistants; also the pay of the establishments of the Director's office and the connected contingent expenditure. The reduction in the revised estimate is mainly due to savings under "Salaries" owing to the permanent head of the department being absent on deputation and the post of the Director of Public Instruction being held by an officiating officer. The budget estimate for the next year provides for normal charges.

Page 118.

Inspection.—The sanctioned estimate was Rs. 9,28,000; but the revised estimate has been placed at Rs. 8,88,000 in view of the actuals of the first nine months of the current year. The decrease is mainly under "Inspectors of other Schools", "Salaries" and "Allowances" and is due partly to the deputation of certain officers to military duty, and partly to the discontinuance of the payment of exchange compensation allowance. The budget estimate for 1919-20 includes a provision of Rs. 86,134 out of the Imperial grants for the appointment of additional inspectresses of schools, Rs. 3,960 for house allowances to assistant inspectresses, and Rs. 1,080 for the entertainment of additional establishment in the office of the inspector of European schools.

Pages 119 to 121.

Government Colleges—General.—The decrease in the revised estimate for 1918-19 occurs under "Salaries" and "Allowances"; and is due mainly to the difficulty of recruitment and to the deputation of certain officers to military duty. The reduction in the budget estimate of 1919-20 as compared with the sanctioned estimate for the current year, is mainly due to the deduction of large sums as probable savings based on previous actuals. The estimate for 1919-20 includes a provision of Rs. 5,550 for the extension of affiliation of the Hooghly College in philosophy and economics, and Rs. 1,500 for the appointment of a lecturer in mathematics for the Rajshahi College, besides provision for the whole year for one appointment of professor in the Hooghly College and one lecturer in the Chittagong College sanctioned in June and July 1918, respectively. A provision of Rs. 2,400 has also been made for the post of a lecturer of philosophy and logic in the Dacca College.

Pages 121 to 124.

Government Colleges—Professional.—The reduction in the revised estimate for 1918-19 is chiefly due to savings under "Salaries" in the Law College,

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Training Colleges and in the Civil Engineering College, and to the non-utilization of the lump provision of Rs. 40,000 for the proposed Secondary Training College for women teachers at Ballyganj. The estimate for 1919-20 has been fixed at Rs. 3,77,000 against the sanctioned estimate of Rs. 3,94,000 for 1918-19 and the revised estimate of Rs. 3,65,000 for the current year. The decrease in next year's estimate as compared with the sanctioned estimate for the current year, is mainly due to the omission of the lump provision of Rs. 40,000 for the Training College for women teachers at Ballyganj. The coming year's estimate includes provision of Rs. 4,500 for the appointment of an instructor in mechanical drawing, and Rs. 1,728 for a lecturer in architecture, in the Civil Engineering College, Sibpur. Larger provision under supplies and services and contingencies has also been made according to the requirements of the Civil Engineering College.

Pages 127 to 130.

Government Schools—General.—The sanctioned estimate for the current year was Rs. 27,68,000. but considering the actuals of 1917-18 which amounted to Rs. 22,30,000 and the actuals of the first nine months of this year, the revised estimate has been fixed at Rs. 22,75,000. The large savings in the revised estimate are mainly due to the non-utilization of the provision of Rs. 14,25,000 from Imperial grants in full. In the budget estimate for 1919-20, though the Imperial grants have been repeated, large deductions have been made as probable savings on the basis of recent actuals. The next year's estimate includes Rs. 8,520 for the payment of house allowances to zenana governesses and mistresses, the provision being in pursuance of the policy to replace male teachers in girls' schools by women teachers, and Rs. 720 for the appointment of an additional teacher of English for the Eden High School for girls.

Pages 131 to 136.

Government Schools—Special.—Considering the actuals of 1917-18 which amounted to Rs. 7,11,000 and the first nine months' actuals of the current year, the revised estimate for this year has been fixed at Rs. 7,09,000 against the sanctioned estimate of Rs. 10,49,000 for 1918-19. The savings are partly under "Salaries" and "Supplies and Services" and partly due to the transfer of allotments to the Public Works Department for the construction of educational buildings; large lapses also occurred out of the provisions from Imperial grants owing to schemes not having matured in time to admit of the full provision being utilized. In the next year's budget estimate the Imperial grants have been repeated, but as it does not appear probable that sanction will be accorded and expenditure incurred in full, large deductions have been made as probable savings. The coming year's estimate includes Rs. 9,600 for the appointment of a member of the Indian Educational Service as Principal of the Government Commercial Institute, Rs. 4,200 for special Islamic Matriculation examinations, Rs. 1,24,000 for the construction of buildings for guru-training schools, and Rs. 12,270 for the training of Moslem women teachers. Of the last two allotments Rs. 1,12,270 have been provided from the recurring Imperial grant of Rs. 5,50,000 for the improvement of popular education.

Pages 137 and 138.

Grants-in-aid.—The sanctioned estimate of Rs. 23,29,000 for 1918-19 includes Rs. 10,22,000 out of the Imperial grants. The large saving noticeable in the revised estimate is due partly to the inability of the department to utilize the Imperial grants in full, and partly to the transfer of sums to the Public Works Department for the construction of educational buildings. Though the Imperial grants have again been repeated in the coming year's budget, large deductions as probable savings have been made on the basis of recent actuals. Noticeable features in next year's budget are a provision of Rs. 1 lakh to meet a capital grant to the Calcutta Girls' High School and Rs. 30,000 for the furtherance of the madrasa reform scheme.

Pages 139 and 140.

Scholarships.—The sanctioned estimate for 1918-19 was Rs. 2,81,000. but this has been reduced to Rs. 2,69,000 in the revised estimate in view of the actuals of the first nine months of the current year. The budget estimate closely follows the revised estimate for the current year, and includes a provision of Rs. 2,000 for the grant of stipends to the children of Indian soldiers, and Rs. 5,400 to the children of indigenous *dhais*.

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Miscellaneous.—Under this minor head provision is made for the payments of grants for the encouragement of literature, examination charges and other miscellaneous charges of the Department. The large reduction in the revised estimate of the current year is mainly under the lastnamed head, and is chiefly due to the non-utilisation in full of the provision for Calcutta messes and hostels out of the imperial grants. In the next year's budget besides normal provision the following allotments have been made:—

Pages 141. and
142.

	Rs.
Calcutta hostels	1,89,000
Sewerage and drainage scheme, Sibpur Civil Engineering College	1,55,000
Appointment of a physical adviser	4,500

Lump grant for the development of Primary Education.—In passing orders in the second edition of the estimates for 1918-19, the Government of India sanctioned a recurring assignment of Rs. 5,50,000 from imperial revenues for the development of primary education. The assignment is shown on the receipt side in the budget for 1918-19 under the head, "Transfers between imperial and provincial revenues," and an equivalent amount is provided in lump under the head "22—Education". Out of the lump grant Rs. 5,26,000 have been distributed as follows in the budget for the coming year:—

	Rs.
Increase in the pay of teachers of aided primary schools and maktabas for girls in District Board areas at the rate of Re. 1 per mensem and in urban areas by Rs. 2 a month	80,000
Establishment of primary schools for girls in panchayati unions	30,000
Building for model primary schools for girls	16,000
Appointment of two assistant inspectresses of schools in Eastern Bengal	12,134
Establishment of a Moslem training school for women teachers in Calcutta	12,270
Education of children of indigenous <i>dhais</i>	5,400
Increased grants to maktabas in Boards' areas	80,000
Extension of panchayati union schools for boys	1,20,000
Grants to local bodies to enable them to raise the rate of stipends of untrained teachers in aided primary schools and maktabas for boys	60,336
Encouragement of education among Santhals in Dinajpur	1,000
Grants to the depressed class mission	3,000
Construction of buildings for guru training schools	1,00,000
Reserve	2,664
Total	5,25,804 or
	5,26,000 in round figures.

Imperial Grants.—The distribution of the various recurring and non-recurring grants made by the Government of India to this Presidency for

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the development of education, under the several minor heads in this and next year's budget is shown below :—

	1918-19.	1919-20.
	Rs.	Rs.
University	65,000	3,65,000
Inspection	34,715	46,849
Government Colleges—General	6,360	6,960
Ditto—Professional	41,260	4,020
Government Schools—General	14,25,098	14,55,038
Ditto—Special	4,13,340	5,60,150
Grants-in-aid	10,22,461	16,52,738
Scholarships	21,132	27,132
Miscellaneous	52,910	2,76,664
Lump sum unallotted	41,724	23,158
Lump provision for the development of primary education	5,50,000	...
Total	36,74,000	44,17,704

XXA and 24A—Medical.**Revenue.**

Page 16.

	ACTUALS.			Budget estimate, 1918-19.	Revised estimate, 1918-19.	Budget estimate, 1919-20.
	1915-16.	1916-17.	1917-18.			
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Medical School and College fees	1,04,628	1,14,758	1,29,266	1,51,000	1,27,000	1,40,000
Hospital receipts (receipts from paying patients).	1,42,804	1,56,030	1,54,012	1,50,000	1,61,000	1,63,000
Lunatic Asylum receipts ...	21,668	24,008	26,191	25,000	20,000	9,000
Contributions (from municipalities and private persons).	65,176	64,080	65,259	64,000	65,000	64,000
Medicines sold by Civil Surgeons	116	15	...	...	2,000	...
Miscellaneous	25,183	14,777	26,106	15,000	30,000	20,000
Total	3,59,574	3,73,618	4,00,834	4,05,000	4,05,000	3,96,000

Expenditure.

Page 148.

	ACTUALS.			Budget estimate, 1918-19.	Revised estimate, 1918-19.	Budget estimate, 1919-20.
	1915-16.	1916-17.	1917-18.			
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Medical establishment ...	4,76,143	4,53,141	4,59,816	5,23,000	4,81,000	6,72,000
Hospitals and dispensaries ...	10,83,123	10,84,780	15,41,284	12,85,000	13,53,000	12,39,000
Grants for medical purposes ...	5,000	1,09,283	96,406	1,09,000	98,000	1,00,000
Medical Schools and Colleges ...	4,59,491	4,37,107	4,55,371	5,10,000	4,87,000	5,18,000
Lunatic Asylum	1,97,498	1,96,528	1,95,443	1,99,000	1,93,000	1,82,000
Chemical Examiner	39,043	38,010	40,095	40,000	40,000	42,000
Refunds	23,442	17,481	15,656	20,000	17,000	16,000
Total	22,83,740	23,36,330	28,04,071	26,86,000	26,67,000	27,69,000

Revenue.

Pages 16 and 17.

29. The estimate of Rs. 3,96,000 for the year 1919-20 is less by Rs. 9,000 than the sanctioned estimate of Rs. 4,05,000 for the current year.

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This is mainly due to a fall in revenue under the head "Receipts from paying patients," owing to the transfer of the European inmates of the Bhowanipur Lunatic Asylum to Ranchi. The fall in revenue under the abovementioned head is, however, counterbalanced to some extent by the increase in income from hospital receipts.

EXPENDITURE.

30. *Medical Establishment.*—Under this minor head is shown the salaries of the Surgeon-General, the Civil Surgeons and their establishments and contingent charges. It also records the pay of the assistant and sub-assistant surgeons paid by Government and of the reserve medical officers and subordinates. The decrease in the revised estimate is partly due to the transfer of a part of the provision of Rs. 54,670 for the revision of the pay of sub-assistant surgeons to other minor heads, to which their pay is debitable, and to savings on account of the late introduction of the revised scheme. The estimate for 1919-20, which generally follows the sanctioned estimate for the current year, includes, besides the increased rates of pay sanctioned recently for sub-assistant surgeons for the whole year, a provision of Rs. 3,300 for the appointment of second clerks in the offices of certain Civil Surgeons, and Rs. 1,50,000 to give effect to the proposal for an increase in the emoluments of the officers of the Indian medical service, which has been recently announced.

Pages 143 and 144.

Hospitals and Dispensaries.—The accounts of all the Presidency hospitals and of the grants to hospitals and dispensaries together with the Government share of expenditure in mufassal hospitals and dispensaries are recorded under this head. The expenditure of the Albert Victor Asylum for lepers is also shown here. The large increase in the revised estimate, as compared with the sanctioned estimate for the current year, is mainly due to the revision of the pay of sub-assistant surgeons and to the increase in the pay of menials recently sanctioned. Larger expenditure under contingencies in the Medical College and General Hospitals, and under "Supplies and Services" in the General Hospital, also contribute towards the increase. The increase in expenditure under "Contingencies" and "Supplies and Services" is mainly due to the general rise in the price of all articles of contingency and medical stores.

Pages 145 to 150.

The budget for 1919-20 has been fixed at Rs. 12,39,000 against the sanctioned estimate of Rs. 12,85,000 for the current year. The reduction is mainly under the head "Grants to hospitals and dispensaries" and is due to the absence from the next year's estimate of any provision for the non-recurring grant to the Belgachia Institute, as the last instalment amounting to Rs. 1,62,000 of the promised grant of Rs. 5,00,000 towards the cost of the buildings of the Institute will be paid in full this year. Next year's estimate provides for normal growth, and includes Rs. 11,970 for the revision of the pay of the menials of the Medical College and Presidency General Hospitals for the whole year, Rs. 2,748 for the appointment of two emergency officers for the Campbell Hospital, and Rs. 5,000 for the grant of war allowance to the nurses of the Campbell Hospital, besides several other schemes involving small expenditure, the details of which are shown in the schedule appended to this note. A sum of Rs. 20,000 has also been added for converting the Dacca Mitford Hospital into a State institution.

Medical Schools and Colleges.—Against the sanctioned estimate of Rs. 5,10,000, the revised estimate for the current year has been fixed at Rs. 4,87,000 in view of the actuals of the first nine months, the savings being mainly under salaries. The estimate for 1919-20 generally follows the sanctioned estimate for the current year, the small increase in next year's estimate as compared with the sanctioned estimate for the current year being mainly due to the inclusion of the new schemes shown in the schedule attached to this note and to larger provision under "Supplies and Services" and "Contingencies" based on recent actuals.

Pages 150 to 152.

Lunatic Asylum.—The reduction in the revised estimate for the current year and in the budget estimate for the coming year, as compared

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with the sanctioned estimate for 1918-19, is mainly due to the transfer of the European lunatics from the Bhowanipur Lunatic Asylum to Ranchi. For next year provision has been made for normal expenditure.

XXB and 24B—Sanitation.

Page 17.

Revenue.

	ACTUALS.			Budget estimate, 1918-19.	Revised estimate, 1918-19.	Budget estimate, 1919-20.
	1915-16.	1916-17.	1917-18.			
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Sanitation and vaccination receipts.	660	88,937	12,322	18,000	8,000	10,000

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Expenditure.

	ACTUALS.			Budget estimate, 1918-19.	Revised estimate, 1918-19.	Budget estimate, 1919-20.
	1915-16.	1916-17.	1917-18.			
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Sanitation and Vaccination establishment ...	2,48,166	2,56,271	2,72,264	2,97,000	2,87,000	4,60,000
Grants for sanitary purposes ...	2,13,735	91,620	1,08,050	12,000	1,93,000	...
Expenses in connection with bubonic plague, malaria and epidemics ...	81,444	45,565	72,072	12,000	53,000	23,000
Bacteriological laboratories and Pasteur Vaccine Institute ...	...	...	16,771	...	12,000	13,000
Lump provision for sanitation ...	...	...	...	8,50,000	3,59,000	13,70,000
Refunds ...	...	...	23	...	...	...
Total ...	5,43,345	3,93,456	4,69,180	11,71,000	9,04,000	18,66,000

Page 17.

REVENUE.

31. The current year's estimate was framed in the hope that a grant of Rs. 12,000 would be received from the Indian Research Institute for the enquiry into diabetes. As this enquiry has been practically concluded a grant of only Rs. 2,000 is now expected and the revised estimate has accordingly been fixed at Rs. 8,000. In the year 1919-20, in addition to the normal revenue under this head, an income of Rs. 4,000 is expected from the sale of lymph and Rs. 3,200 as fees for water analysis. The estimate has therefore been fixed at Rs. 10,000.

Pages 155 and 156.

EXPENDITURE.

32. *Sanitation and Vaccination Establishment.*—The budget estimate for 1919-20, besides providing for normal charges on account of the staff of the Vaccine Department and the Sanitary and Deputy Sanitary Commissioners and their staff and establishment, includes Rs. 75,000 for an enquiry into the hookworm disease, Rs. 25,000 for an investigation into river pollution, Rs. 28,000 for the construction of a cold storage room in the Vaccine Depot, Rs. 5,000 to give a course of training to enable young medical men to take the Calcutta D. P. H. degree, so as to qualify for appointment as district health officers, Rs. 4,500 for the appointment of a special officer to scrutinize college and school buildings from the point of view of hygiene and Rs. 10,000 for the establishment of a Publicity Bureau to educate the general public in regard to public health matters.

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Grants for Sanitary Purposes.—Under this head are debited the grants to local bodies for minor sanitary works and for water-supply and drainage schemes which are sanctioned out of the lump provision for sanitation. This accounts for the increase in the revised estimate for the current year, which

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includes a grant of Rs. 50,000 to the Krishnagar municipality for water-supply, Rs. 10,500 for the Jungipur drainage scheme, Rs. 10,400 for the Uttarpara water-supply scheme, Rs. 25,000 for the Kurseong drainage scheme, besides several small grants for sanitation purposes. The estimate of Rs. 12,000 in the budget of 1918-19 represents the provision for the enquiry into deabetes. As the enquiry has been stopped no provision has been made next year.

Expenses in connection with Bubonic Plague, Malaria and Epidemics.—The increase in the revised estimate for 1918-19 is mainly due to the purchase of quinine for distribution. The budget estimate for the coming year includes provision of Rs. 11,000 for Kala-azar investigation. Page 156.

Lump provision for Sanitation.—The reduction in the revised estimate for the year 1918-19 is more apparent than real, as it is due partly to the transfer of a sum of Rs. 1,90,000 to the Irrigation Department for anti-malarial schemes, and of Rs. 23,000 to the Public Works Department for the improvement of the Berhampore sluice, and for the purchase of steel rods, etc., for sanitary projects to be undertaken by the Sanitary Department, and partly to some of the sanctioned expenditure having been debited under the heads "Grants for Sanitary purposes" and "Expenses in connection with malaria". The large provision in the budget for 1919-20 is in accordance with the policy initiated last year for schemes of sanitary improvement, and anti-malarial works. The details of the schemes proposed to be undertaken next year will be found in the schedule which forms an annexure to this note. Page 154.

25—Political.**Expenditure.**Page 158.

	ACTUALS.			Budget estimate, 1918-19.	Revised estimate, 1918-19.	Budget estimate, 1919-20.
	1915-16.	1916-17.	1917-18.			
1	2	3	4	5	6	7
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Political Agents ...	10,989	16,168	22,141	21,000	19,000	21,000
Darbar presents and allowances to Vakils, etc.	3,278	5,782	3,144	7,000	4,000	7,000
Miscellaneous ...	8,920	67,480	2,54,442	2,71,000	2,65,000	2,32,000
Total ...	23,187	89,380	2,79,727	2,99,000	2,88,000	2,70,000

This head is not open to discussion.

Expenditure.Page 158.

33. The estimate for 1918-19 was Rs. 2,99,000 but in the revised estimate this has been reduced to Rs. 2,88,000, chiefly owing to a decrease in the charges arising from the internments under the Defence of India Act. The budget estimate for 1919-20 has been fixed at Rs. 2,70,000, and besides providing for the normal charges includes Rs. 2,25,000 for the payment of personal and family allowances to *détenus* under the Defence of India Act, and Rs. 8,796 for the introduction of the scheme for the reporting of Bengali and Urdu speeches of importance in Calcutta and in the mufassal.

XXIA and 26A—Agriculture.**Revenue.**

	ACTUALS.			Budget estimate, 1918-19.	Revised estimate, 1918-19.	Budget estimate, 1919-20.
	1915-16.	1916-17.	1917-18.			
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Veterinary receipts ...	38,994	48,585	45,623	55,000	51,000	60,000
Agricultural receipts ...	62,162	72,612	75,833	1,00,000	96,000	1,25,000
Total ...	1,01,156	1,16,197	1,21,456	1,55,000	1,47,000	1,85,000

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Expenditure.

	ACTUALS.			Budget estimate, 1918-19.	Revised estimate, 1918-19.	Budget estimate, 1919-20.
	1915-16.	1916-17.	1917-18.			
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Veterinary charges ...	2,40,384	1,95,424	2,13,303	2,29,000	2,20,000	2,44,000
Agriculture ...	7,82,388	7,56,116	7,95,212	9,35,000	10,80,000	11,58,000
Co-operative credit ...	1,16,390	1,34,935	1,63,007	2,56,000	2,34,000	3,46,000
Refund ...	...	125	...	...	...	...
Total ...	11,39,162	10,86,600	11,71,522	14,20,000	15,34,000	17,48,000

REVENUE.

34. The agricultural receipts consist mainly of the sale-proceeds of farm produce at district farms and of receipts from sericultural nurseries. The budget provides for a small increase as compared with the sanctioned estimate for the current year, the increase expected being from the centres of demonstration of the Kakya Bombay jute and Indrasail rice cultivation, which the Agricultural Department have undertaken as an experimental "measure".

The head veterinary receipts includes mainly fees levied for the treatment of horses and cattle at veterinary hospitals.

EXPENDITURE.

Pages 159 to 161

35. *Veterinary charges.*—The small decrease in the revised estimate as compared with the sanctioned estimate for the current year is chiefly due to savings under salaries. The estimate for 1919-20, besides providing for the normal development of the veterinary department, includes a provision of Rs. 6,000 for the appointment of a second Imperial service officer in the staff of the Bengal Veterinary College, and a sum of Rs. 29,310 for the revision of pay of veterinary assistants; two-thirds of the cost of this revision, it may be mentioned, will be recovered from local bodies.

Pages 162 to 167.

Agriculture.—The Agricultural Department at present comprises the following principal officers:—(a) a Director of Agriculture, (b) two Deputy Directors of Agriculture, (c) a Fibre Expert, (d) an Agricultural Chemist, (e) an Economic Botanist, (f) a Superintendent and a Curator for Botanical Gardens, and (g) Superintendent of Sericulture, and 22—District Agricultural officers.

The large increase in the revised estimate as compared with the budget estimate for 1918-19 is mainly due to the transfer of a sum of Rs. 20,000 to this head for the purchase and distribution of cotton seeds, to an additional grant of Rs. 7,000 for experiments in water hyacinth, and to a larger expenditure of Rs. 25,000 under sericulture with a view to utilize the exceptionally good mulberry crop of the year. The cost of removal of the Director's office from Calcutta to Dacca, the appointment of ten district agricultural officers, together with the additional expenditure incurred in the extension of the areas under experiment, also contributed largely towards the increase. In September last the Government of India sanctioned an additional grant of Rs. 1,80,000 from Imperial revenues for the development of agricultural education, and though this amount does not appear in the civil estimates among the sanctioned allotments of the current year, it is available for expenditure. A sum of Rs. 50,000 has already been transferred to the Public Works Department for the construction of certain buildings in connection with the establishment of an agricultural middle school at the Dacca farm. The budget estimate for the year 1919-20 provides for further development of the department. The estimate includes Rs. 90,000 for the establishment of two new district agricultural farms, and Rs. 19,872 for the entertainment of nine district agricultural officers, in pursuance of the scheme for the distribution of improved paddy and jute seed, Rs. 11,192 for the appointment of a third Deputy Director of Agriculture, Rs. 2,280 for the entertain-

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ment of 19 durwans for guarding the seed stores, Rs. 5,500 for the appointment of temporary establishment in connection with the census of cattle, Rs. 3,000 for additional establishment under the Economic Botanist, and Rs. 10,000 for the construction of a model rearing house at Berhampore. A provision of Rs. 1 lakh out of the Imperial grant of Rs. 1,80,000 for agricultural education has been made in next year's budget. A sum of Rs. 13,600 has also been added for the construction of certain agricultural buildings, and Rs. 1,080 for additional establishment under the Weaving Expert.

Co-operative Credit.—The budget estimate for 1919-20 has been fixed at Rs. 3,46,000 against the sanctioned estimate of Rs. 2,56,000 for the current year. The coming year's estimate includes Rs. 21,672 for the appointment of additional auditors, the entire cost of which will be recouped by the levy of audit fees on the societies, Rs. 21,192 for the appointment of 4 sub-deputy collectors, 8 non-gazetted inspectors and 12 peons for strengthening the inspecting staff and Rs. 5,000 for the revision of establishment of the Registrar's office. A provision of Rs. 38,000 has also been made for the development of cottage industries.

XXIB and 26B—Scientific and Miscellaneous Departments.**Revenue.**

Page 17.

	ACTUALS.			Budget estimate, 1918-19.	Revised estimate, 1918-19.	Budget estimate, 1919-20.
	1915-16.	1916-17.	1917-18.			
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Cinchona Plantations ...	5,47,871	11,99,128	25,64,635	18,47,400	18,04,000	10,00,000
Emigration fees ...	11,749	8,837	96	600	100	100
Inland labour transport fees ...	3,734	2,002	1,622	1,500	1,800	1,900
Examination fees ...	737	928	3,176	1,000	3,000	3,000
Miscellaneous ...	40,758	49,574	65,798	58,500	71,000	75,000
Fisheries ...	...	...	70	...	100	2,200
For rounding	-200
Total ...	6,04,849	12,60,469	26,35,397	19,09,000	18,80,000	10,82,000

Expenditure.

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	ACTUALS.			Budget estimate, 1918-19.	Revised estimate, 1918-19.	Budget estimate, 1919-20.
	1914-15.	1915-16.	1916-17.			
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Cinchona Plantations ...	2,01,394	2,16,338	2,39,824	14,61,000	17,96,000	3,16,000
Donation to scientific societies ...	19,871	18,375	17,472	22,000	22,000	22,000
Emigration ...	21,401	21,782	20,954	22,000	15,000	21,000
Inland Labour Transport ...	22,538	29,052	20,592	22,000	14,000	24,000
Inspector of Factories ...	53,626	57,154	78,340	77,000	79,000	74,000
Gazetteer and statistical memoirs ...	...	1,440	...	3,000	1,000	3,000
Provincial statistics ...	38,860	38,644	39,999	39,000	39,000	39,000
Preservation, etc., of ancient manuscripts ...	9,200	9,200	9,200	9,200	9,000	9,200
Examinations ...	872	907	1,422	1,500	2,000	1,500
Fisheries ...	37,431	39,475	44,355	50,000	...	...
Development of industries ...	...	...	44,746	...	1,38,000	4,58,000
Miscellaneous ...	25,121	26,423	25,754	27,000	74,000	77,000
Registrar of Joint Stock Companies ...	16,369	15,991	16,844	22,000	19,000	22,000
Inspector of Mines ...	81	71	193	100	200	200
Refunds ...	831	754	560	800	800	700
Lump provision for Director of Industries ...	...	...	...	54,000	...	...
Lump provision for development of industries ...	...	...	...	1,50,000	...	...
For rounding	-600	...	+400
Total ...	4,47,690	4,69,606	5,55,255	19,60,000	22,09,000	10,68,000

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REVENUE.

36. Owing to large demands from the Madras Government and the Military Department for the supply of sulphate of quinine, the current year's estimate under this head was fixed at Rs. 19,09,000, counting on a revenue of Rs. 18,00,000 from the sale of quinine alone. This expectation has not been fully realized, the revenue anticipated this year being Rs. 17,00,000 only.

For the next year an income of Rs. 10,82,000 is estimated, as with the cessation of hostilities a fall in the demand for quinine from the Military Department is expected.

Pages 169 to 176.

EXPENDITURE.

37. The original estimate for 1918-19 was fixed at Rs. 19,60,000, but it has been raised to Rs. 22,09,000 in the revised estimate, mainly owing to increased expenditure in the purchase of quinine and to an expenditure of Rs. 47,000 on the Director of Civil Supplies. Of the excess expenditure under quinine Rs. 1,75,000 will be provided from Imperial revenues and the cost of the Director of Civil Supplies will be eventually fully recouped by an assignment through the transfer head from the Government of India. The expenditure under this major head would have been still larger but for the transfer of Rs. 75,500 to the Public Works Department for the acquisition of land and the construction of buildings for the research tannery at Tangra.

The estimate for 1919-20 which has been placed at Rs. 10,68,000, besides allowing for larger provision for extension of the areas under Cinchona plantation in each of the plantations at Mungpoo and Munsong, includes Rs. 18,000 as a grant to the Bengal Home Industries Association, Rs. 78,400 for the equipment, establishment, and other recurring and non-recurring charges of the research tannery, Rs. 2,50,000 for the development of industries, to give immediate effect, as far as possible, to the proposals of the Indian Industrial Commission, Rs. 3,000 for experiments in connection with hand-loom and other industries, Rs. 4,500 for the appointment of three District Fishery officers, the cost of two of whom will be borne by this Government and the Government of Bihar and Orissa in equal shares, and of the third by this Government wholly, and Rs. 50,000 to meet the salary of the Director of Civil Supplies and the cost of his establishment and contingencies.

XXII and 29—Superannuation.

Page 18.

Revenue.

	ACTUALS.			Budget estimate, 1918-19.	Revised estimate, 1918-19.	Budget estimate, 1919-20.
	1915-16.	1916-17.	1917-18.			
1	2	3	4	5	6	7
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Contributions for pensions and gratuities.	41,452	48,273	45,987	45,000	48,000	46,000
Deduction for Pilot Service pension fund.	18,131	10,738	11,382	11,000	12,000	12,000
Total	54,583	59,011	57,369	56,000	60,000	58,000

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	ACTUALS			Budget estimate, 1918-19.	Revised estimate, 1918-19.	Budget estimate, 1919-20.
	1915-16.	1916-17.	1917-18.			
1	2	3	4	5	6	7
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Superannuation and retired allowances.	30,23,185	31,42,531	32,50,232	33,50,000	32,90,000	33,55,000
Covenanted Civil Service pensions	45,625	35,000	30,000	30,000	40,000	45,000
Compassionate allowances ...	4,564	3,643	3,702	4,000	3,800	4,000
Gratuities ...	17,264	20,892	24,775	21,000	19,000	18,000
Refunds ...	815	3	70	...	200	...
Commuted value of pensions ..	50,356	99,029	67,193	1,25,000	1,25,000	1,25,000
Total ...	31,41,809	33,01,098	33,75,972	35,30,000	34,78,000	35,47,000

REVENUE.

Page 18.

38. The receipts under this head consist chiefly of contributions for pensions and gratuities on account of officers of Government lent to foreign service for employment under the Court of Wards, municipalities and other local bodies and Native States. Deductions for pilot service pension funds are also shown under this head. The variations in the estimates are small and call for no remarks.

EXPENDITURE.

Page 177.

39. This head comprises charges for pensions, gratuities and compassionate allowances, and for the commuted value of pensions to Government servants. The decrease in the revised estimate for 1918-19 as compared with the sanctioned budget is due to smaller expenditure under "Superannuation and retired allowances". The budget for 1919-20 provides for normal expansion of the pension list.

XXIII and 30—Stationery and Printing.

Page 18.

Revenue.

	ACTUALS.			Budget estimate, 1918-19.	Revised estimate, 1918-19.	Budget estimate, 1919-20.
	1915-16.	1916-17.	1917-18.			
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Stationery receipts ...	3,213	2,934	2,530	3,000	1,500	3,000
Sale of gazettes and other publications.	90,849	97,735	79,680	71,000	88,000	85,000
Other Press receipts ...	39,333	40,130	57,887	48,000	57,500	61,000
Total ...	1,33,395	1,49,799	1,40,097	1,22,000	1,42,000	1,49,000

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Expenditure.

	ACTUALS.			Budget estimate, 1918-19.	Revised estimate, 1918-19.	Budget estimate, 1919-20.
	1915-16.	1916-17.	1917-18.			
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Stationery purchased in the country.	29,705	27,794	21,815	25,000	24,000	25,000
Government presses ...	6,14,589	5,80,498	5,12,995	5,60,000	5,46,000	5,40,000
Printing at private presses ...	2,956	2,251	1,410	2,000	1,000	2,000
Stationery supplied from central stores.	6,53,203	6,80,401	8,36,762	8,50,000	9,00,000	9,25,000
Refunds ...	998	641	740	1,000	2,000	1,000
Total ...	13,01,451	12,91,585	13,73,722	14,38,000	14,73,000	14,93,000

Page 18.

REVENUE.

40. The actuals of 1917-18 amounted to Rs. 1,40,000 and in view of the actuals of the first nine months of the current year, the original estimate of Rs. 1,22,000 for 1918-19 has been raised to Rs. 1,42,000 in the revised estimate. Following the revised estimate and allowing for small expansion the estimate for 1919-20 has been fixed at Rs. 1,49,000.

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EXPENDITURE.

41. The increase in the revised estimate is under the head "Stationery supplied from central stores" for which Rs. 9,00,000 has been taken against the sanctioned estimate of Rs. 8,50,000. This is due to the rise in the prices of paper and other articles of stationery. The small decrease under "Government Press" is mainly due to savings in the Jail Press owing to less expenditure in contract and miscellaneous printing and European stores.

For next year Rs. 9,25,000 has been provided under "Stationery supplied from central stores" and Rs. 34,000 for the purchase of two linotypes and Rs. 4,000 for a book sewing machine for the Secretariat Press; otherwise the estimate provides for normal requirement.

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XXV and 32—Miscellaneous.**Revenue.**

	ACTUALS.			Budget Estimate, 1918-19.	Revised Estimate, 1918-19.	Budget Estimate, 1919-20.
	1915-16.	1916-17.	1917-18.			
1	2	3	4	5	6	7
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Recovery on account of famine expenditure.	...	74,625	2,220	...	1,000	...
Unclaimed deposits ...	5,42,506	5,47,427	4,50,352	5,50,000	5,10,000	5,10,000
Treasure-trove ...	...	...	97	...	200	...
Sale-proceeds of Durbar presents	1,500	3,005	1,095	2,000	1,000	2,000
Sale of old stores and materials	1,638	1,449	8,235	2,000	4,000	2,000
Sale of lands and houses, etc.	925	2,712	62	1,000	3,00,000	1,000
Fees for Government audits ...	25,319	16,690	18,104	39,000	55,000	66,000
Rents ...	14,806	13,099	10,251	14,000	9,000	14,000
Miscellaneous fees, fines and forfeitures ...	10,125	7,292	6,751	8,000	10,800	9,000
Contributions ...	...	...	...	...	3,000	20,000
Extraordinary items ...	...	4,455	...	...	...	...
Miscellaneous ...	68,389	79,588	68,396	65,000	59,000	75,000
Total ...	6,65,208	7,51,242	5,65,563	6,81,000	9,53,000	6,99,000

*Revised Financial Statement.***Expenditure.**

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	ACTUALS.			Budget Estimate, 1918-19.	Revised Estimate, 1918-19.	Budget Estimate, 1919-20.
	1915-16.	1916-17.	1917-18.			
1	2	3	4	5	6	7
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
War Board—Publicity Board ...	...	...	...	...	1,50,000	...
Charges for search of hidden treasure.	...	30	33	...	...	...
Miscellaneous charges for the treatment of patients at the Pasteur Institute ...	1,535	1,968	2,519	3,000	3,000	3,000
Rewards for proficiency in oriental languages and allowances to Language Examination Committees ...	6,069	21,253	14,004	15,000	13,000	14,000
Cost of books and publications ...	600	604	2,125	600	600	600
Donations for charitable purposes	5,17,542	64,486	57,717	85,000	1,20,000	76,000
Charges on account of European vagrants.	5,414	7,886	5,237	8,000	5,000	6,000
Rewards for destruction of wild animals.	16,659	14,628	16,108	17,000	12,000	16,000
Petty establishments ...	24,375	22,772	21,969	21,000	22,000	22,000
Special commissions of enquiry	2,074	3,509	...	10,000	...	10,000
Irrecoverable temporary loans written off.	2,707	10,520	1,51,755	4,000	3,55,000	10,000
Rents, rates and taxes ...	25,194	28,229	31,502	30,000	26,000	32,000
Contributions ...	4,562	3,043	4,626	8,000	34,000	8,000
Miscellaneous and unforeseen charges.	7,213	50,246	10,065	2,96,000	38,000	3,21,000
Miscellaneous refunds ...	12,692	13,135	3,825	12,000	12,000	12,000
Annual stipends to holders of literary titles.	2,000	1,900	2,400	2,200	2,400	2,300
Subscription to periodicals ...	9,831	3,633	794	2,000	3,000	1,000
Lump provision for grain compensation allowance to be distributed under the various heads.	...	...	...	4,00,000	...	4,00,000
For rounding	200	...	100
Total	6,38,467	2,47,836	3,24,679	9,14,000	7,96,000	9,34,000

REVENUE.

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42. The receipts for 1918-19 were estimated at Rs. 6,81,000 against the actuals of Rs. 5,66,000 of 1917-18, which included Rs. 4,50,000 from unclaimed deposits. In view of the actuals of the first nine months of the current year, the original estimate of Rs. 5,50,000 for 1918-19 has been reduced to Rs. 5,10,000 in the revised, while on the latest actuals the revised under "Fees from Government audit" has been raised by Rs. 16,000. The large increase under the head "Sale of land and houses" in the revised estimate is mainly due to the credit under this head of the sale proceeds of the Amherst Street Police Hospital.

The estimate for 1919-20 is Rs. 6,99,000 and includes Rs. 5,10,000 for unclaimed deposits, Rs. 66,000 for "Fees for Government audit" and Rs. 75,000 under "Miscellaneous".

EXPENDITURE.

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43. The estimate for 1918-19 was originally fixed at Rs. 9,14,000, but in the revised estimate this has been reduced to Rs. 7,96,000. The reduction, which is more apparent than real, is chiefly due to the adjustment, under appropriate heads, of the expenditure sanctioned by His Excellency from his allotment for petty grants, to the adjustment under the appropriate heads, expenditure on grain compensation allowance, and to the reappropriation of the reserve provision of Rs. 2,00,000 in order to meet expenditure.

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under other heads. The expenditure Rs. 1,50,000 on the War Publicity Board is debited to this head. The charges on this account will, in the first instance, be debited to provincial revenues, but will eventually be recovered from the Government of India. Savings under this head have also been utilized in paying off the loans on account of the Bistupur embankment, Uttarbagh work and the Moshagram-Dehaty embankment, and in making a remission in accordance with previous arrangements of Rs. 3,00,000 of the loan granted to the late Nawab Salimullah of Dacca.

As the War Publicity Board has been abolished no provision has been made for it in next year's budget. The coming year's estimate includes the following provision :—

	Rs.
For allotment of petty grants by His Excellency ...	40,000
For payment of Grain Compensation Allowance ...	4,00,000
For gratuitous relief ...	75,000
General reserve for unforeseen requirements ...	2,00,000

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XXIX and 42—Irrigation Major Works.**Revenue.**

	ACTUALS.			Budget estimate, 1918-19.	Revised estimate, 1918-19.	Budget estimate, 1919-20.
	1915-16.	1916-17.	1917-18.			
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
In charge of Public Works officers—						
Direct receipts ...	2,78,079	2,89,782	2,78,301	2,82,000	3,00,000	2,80,000
Provincial share (one-half)	1,39,040	1,44,866	1,39,151	1,41,000	1,50,000	1,40,000

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Expenditure.

	ACTUALS.			Budget estimate, 1918-19.	Revised estimate, 1918-19.	Budget estimate, 1919-20.
	1915-16.	1916-17.	1917-18.			
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Interest on debt ...	3,48,476	3,30,804	3,48,526	3,31,000	3,49,000	3,49,000
Provincial share (one-half) ...	1,74,238	1,65,402	1,74,263	1,66,000	1,75,000	1,75,000
Working expenses in charge of Public Works officers—						
Works (extension and improvements).	1,940	681	139	3,000	2,600	4,000
Maintenance and repairs ...	91,760	72,505	86,711	1,45,000	1,43,000	1,12,000
Establishment ...	77,565	93,022	68,848	95,500	67,000	63,500
Other items ...	24,757	19,596	15,601	26,500	24,400	23,500
Total ...	1,96,022	1,85,804	1,71,299	2,70,000	2,37,000	2,03,000
Provincial share (one-half)	98,011	92,902	85,650	1,35,000	1,19,000	1,02,000

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REVENUE.

44. The increase in the revised estimate as compared with the budget estimate for 1918-19 is chiefly under navigation receipts, due to the diversion of railway goods traffic, on account of the shortage of railway wagons, to boat traffic on the canals. It is not now anticipated that this increase in canal-borne goods traffic will continue, and therefore the budget estimate for

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1919-20 has been placed at a lower figure as compared with the revised estimate for 1918-19.

EXPENDITURE.

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45. As compared with the actuals of 1917-18, the larger provision in the current year's budget is intended to meet necessary repairs which for many years had been postponed on account of the financial stringency. The decrease in the revised estimate is chiefly under "Establishment" and is due to the revised method of distribution of establishment charges recently adopted under the orders of the Government of India.

The decrease in the budget estimate for 1919-20 is chiefly under maintenance and repairs of the Hijili Tidal Canal and is due to the absence of any provision for special repairs to the canal next year.

XXX and 43—Minor Works and Navigation.**Revenue.**

Page 20.

	ACTUALS—			Budget estimate, 1918-19.	Revised estimate, 1918-19.	Budget estimate, 1919-20.
	1915-16.	1916-17.	1917-18.			
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
In charge of the Civil Department—						
Recoveries on account of lands benefited by embankments.	52,815	49,879	44,256	50,000	50,000	58,000
Provincial share (one-half) ...	26,407	24,940	22,128	25,000	25,000	29,000
Total in charge of the Public Works Department.	6,27,729	7,84,497	8,47,392	7,60,000	10,00,000	10,00,000
Provincial share (one-half) ...	3,13,865	3,92,248	4,23,696	3,80,000	5,00,000	5,00,000

Expenditure.

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	ACTUALS—			Budget estimate, 1918-19.	Revised estimate, 1918-19.	Budget estimate, 1919-20.
	1915-16.	1916-17.	1917-18.			
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
In charge of Civil officers ...	2,044	1,705	1,579	2,000	2,000	2,000
Provincial share (one-half) ...	1,022	852	790	1,000	1,000	1,000
In charge of Public Works officers—						
Works ...	5,99,379	6,39,337	5,40,662	9,38,050	12,22,140	18,86,450
Repairs ...	10,67,117	7,86,349	11,16,808	11,08,765	11,13,339	7,97,930
Establishment ...	5,23,913	4,97,752	5,41,403	5,49,500	5,78,120	6,41,500
Other items ...	1,04,041	78,981	1,44,264	1,02,685	—79,599	1,80,120
Total ...	22,94,450	20,02,419	23,43,137	27,00,000	28,34,000	35,06,000
Provincial share (one-half) ...	11,47,225	10,01,210	11,71,568	13,50,000	14,17,000	17,53,000

REVENUE.

Page 20.

46. The large increase in the revised estimate as compared with the sanctioned estimate for the current year, is due in part to the increase in water-borne goods traffic consequent on the scarcity of railway wagons, and in a large measure to the increased traffic in the Madaripur Bil Canal. The estimate for next year follows the revised estimate for the current year.

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EXPENDITURE.

47. The revised estimate for the current year is higher by Rs. 1,34,000 than the sanctioned estimate for the year 1918-19, and is mainly due to the transfer to this head of a sum of Rs. 1,90,000 from the sanitation grant for expenditure on anti-malarial drainage projects. The excess would have been larger but for the credit of Rs. 89,000 on account of compensation awarded for the steam tug "Dunnedaw" and two coal barges which were taken over by the military authorities for service in Mesopotamia. The large provision in next year's budget, as compared with the sanctioned estimate for the current year, is due to provision for certain drainage projects, connected with anti-malarial measures, viz., Rs. 1 lakh for the Pichaboni project, Rs. 1 lakh for the Amirabad and Rs. 50,000 for the Bullee Bil projects, for the improvement of waterways in the district of Dacca, and for the formation of a new Waterways Division for the management and development of the inland waterways in the districts of Khulna, Jessore, Faridpur and Bakarganj. Large provision has also been made for the continuance of the works already started, with a view to the investigation of the effects of floods in the Presidency, which includes Rs. 1,50,000 for the Hoorhoora Khal, and Rs. 1,00,000 for the Sagarputul Bexibazar escape. Other items of importance are the provision of Rs. 4,50,000 for widening the Madaripur Bil route, a work of urgent necessity owing to its great advantages as a route for steamers running to Cachar and Assam, and of Rs. 2,10,000 for creating a spill from the Bidyadhari river. The coming year's estimate also includes provision for the partial canalization of Tolly's Nala, for the reconstruction of the Kidderpore bridge, and for the purchase of one steam tug and barges as coaling plant for the dredgers "Foyers" and "Alexandra" to replace the plant taken over by the military authorities.

XXXI and 45—Civil Works.

Page 20.

Revenue.

	ACTUALS—			Budget estimate, 1918-19.	Revised estimate, 1918-19.	Budget estimate, 1919-20.
	1915-16.	1916-17.	1917-18.			
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
In charge of the Civil Department.	1,46,492	2,90,949	1,38,959	1,58,000	1,40,000	1,69,000
In charge of the Public Works Department.	4,72,054	5,66,507	4,79,016	4,66,000	5,65,000	5,55,000
Total	6,18,546	8,57,456	6,17,975	6,24,000	7,05,000	7,24,000

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Expenditure.

	ACTUALS—			Budget estimate, 1918-19.	Revised estimate, 1918-19.	Budget estimate, 1919-20.
	1915-16.	1916-17.	1917-18.			
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
In charge of Civil officers	20,24,208	7,84,342	12,24,603	12,49,000	11,83,000	15,64,000
In charge of Public Works officers.	67,82,385	56,55,383	77,95,690	84,88,000	95,00,000	1,13,00,000
Total	88,06,593	64,39,725	90,20,293	97,37,000	1,06,83,000	1,28,64,000

*Revised Financial Statement.***REVENUE.**

48. *Civil Works in charge of Civil Officers.*—The bulk of the revenue under this head is from tolls. Considering the first nine months' actuals the revised estimate has been fixed at Rs. 1,40,000. The budget estimate of Rs. 1,69,000 for the coming year allows for normal expansion. Page 20.

Civil Works in charge of Public Works Department.—The large increase in the revised estimate is mainly due to the payment of Rs. 24,000 by the Calcutta Corporation as the difference in the value of Government and Corporation lands exchanged in connection with the improvement and extension of the Campbell Hospital, of Rs. 25,000 in part payment of the cost of the site of the Police outpost at Kalighat, taken by the Corporation, and Rs. 19,000 on account of arrear recovery from the Port Commissioners of Calcutta of the half-yearly rent of the Strand Bank land. The estimate for 1919-20 includes the balance of Rs. 55,000 payable by the Corporation of Calcutta for the Kalighat Police outpost site and provides for normal expansion.

EXPENDITURE.

Pages 191 and
192.

49. *Civil Works in charge of Civil Officers.*—Commissioners of divisions and Collectors of districts have been empowered, with reference to the recommendations of the Decentralization Commission, to make discretionary grants for general purposes of a public nature calculated to be of benefit to their districts. The expenditure so incurred is budgetted for under this head in the first instance, and the actual charges incurred are subsequently adjusted to the appropriate heads of accounts.

The estimate for the coming year includes the following :—

	Rs.
Augmentation grant	8,04,114
Grant to the Calcutta Improvement Trust ...	1,50,000
Special grants at the disposal of Divisional Commissioners and District Collectors ...	1,52,000
Imperial grant for the improvement of the port of Chittagong	3,25,000

Civil Works in charge of Public Works Department.—The increase in the revised estimate is more apparent than real, as it is mainly due to the transfer to this head of allotments from other heads for new works and for works in progress of the Police, Education and other departments. The large increase in the estimate for 1919-20 is mainly due to larger provision for urgent new works, for works in progress, for repairs and for minor works. The table below shows the position :— Page 192.

	Budget. 1918-19.	Budget. 1919-20.
	Rs.	Rs.
Establishment ...	12,00,000	12,40,000
Tools and Plant ...	60,000	50,000
Stock and Suspense ...	10,000	10,000
Repairs ...	28,00,000	32,00,000
Works in Progress ...	19,00,000	33,80,000
New Works (including Minor Works.)	25,18,000	34,20,000
	84,88,000	1,13,00,000

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Provision for buildings in connection with the Police reorganization schemes has hitherto been made under "20—Police", but from next year such provision will be made under this head. Next year's provision for works in progress includes Rs. 3,80,000 on this account. Owing to war economy the expenditure on repairs has been kept down to the minimum during the past three years, and the larger provision for the purpose in the next year's budget, is to make up in part for the deficiencies thereby caused. A list of new works for the next year is annexed.

TRANSFER BETWEEN IMPERIAL AND PROVINCIAL REVENUES.

[All Adjustments between Imperial and provincial Funds are recorded on the revenue side of the accounts under the above. Transfers from provincial to Imperial (+) and from Imperial to provincial (-)]

	ACTUALS—			Budget estimate, 1918-19.	Revised estimate, 1918-19.	Budget Estimate, 1919-20.
	1915-16.	1916-17.	1917-18.			
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
RECURRING.						
Ordinary.						
Fixed adjustment under provincial settlement.	+ 7,28,000	+ 7,28,000	+ 7,28,000	+ 7,28,000	+ 7,28,000	+ 7,28,000
Cost of transmission of records by revised procedure under Court Fees Act.	- 6,440	- 6,440	- 6,440	- 6,000	- 6,000	- 6,000
Pension of Mohamahopadhya and Shams-ul-Ulama titleholders.	- 2,700	- 2,700	- 2,700	- 3,000	- 3,000	- 3,000
For traffic registration office, Bhairab Bazar.	- 1,250	- 1,250	- 1,250	- 1,000	- 1,000	- 1,000
For adjustment of recovery claims of charges incurred by the Agent, Government Comignments, not exceeding Rs. 15.	- 12,940	- 10,009	- 10,800	- 11,000	- 11,000	- 11,000
For amalgamation of the office of the Arts section of the Indian Museum with that of the School of Art.	- 1,190	- 1,190	- 1,190	- 1,000	- 1,000	- 1,000
For Belgachia Veterinary College	- 30,000	- 30,000	- 30,000	- 30,000	- 30,000	- 30,000
For Indian Deputy Sanitary Commissioners and half pay of Health Officers.	- 58,200	- 58,200	- 58,200	- 58,000	- 58,000	- 58,000
For provincialization of expenditure on account of salaries of officers of the Civil Veterinary Department.	- 29,307	- 29,307	- 29,307	- 29,000	- 29,000	- 29,000
For remission of certain recoveries from local bodies.	- 25,881	- 25,881	- 25,881	- 26,000	- 26,000	- 26,000
Assignment for cost of supply of forms and printing work done for Bihar and Orissa Government.	- 64,424	...	...	...	...	...
For forms, etc., for Assam	- 1,86,420	- 1,70,730	- 1,33,107	- 1,90,000	- 1,46,000	- 1,55,000
Assignment for remission of appropriation of cesses.	- 24,93,000	- 24,93,000	- 24,93,000	- 24,93,000	- 24,93,000	- 24,93,000
Law charges for Bihar and Orissa.	+ 15,000	+ 15,000	+ 15,000	+ 15,000	+ 15,000	+ 15,000
For premises No. 9, Hare Street	+ 9,550	+ 9,550	+ 9,550	+ 9,000	+ 9,000	+ 9,000
For grants for Collegiate and University expenditure in Bihar and Orissa.	+ 21,000	+ 21,000	+ 21,000	+ 21,000	+ 21,000	+ 21,000
Classification of rewards on confiscation of opium under "7—Excise" (Government of India, Finance Department, No. 171A, dated the 16th March 1916).	- 20,500	- 20,500	- 20,500	- 21,000	- 21,000	- 21,000

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	ACTUALS.			Budget estimate, 1918-19.	Revised estimate, 1918-19.	Budget estimate, 1919-20.
	1915-16.	1916-17.	1917-18.			
RECURRING—continued.	Ra.	Ra.	Ra.	Ra.	Ra.	Ra.
Ordinary—concluded.						
Contribution to Bihar and Orissa for training of shoals in the Gauges (Government of India, Finance Department, No. 125A., dated the 28th February 1916).	+12,500	+12,500	+12,500	+12,000	+12,000	+12,000
Provincialization of the amalgamated establishment employed in the audit of accounts of local authorities, etc. (Government of India, Finance Department, No. 1705A., dated the 25th October 1918).	-8,000	-10,850	-19,200	-22,000	-17,000	-30,000
In connection with the new scheme of taxation.	...	+39,00,000	+50,54,000	+55,72,000	+60,00,000	+64,50,000
In connection with the loss in income tax revenue necessitated by the changes in taxation.	...	...	...	...	...	-26,25,000
For establishment of High Court at Bankipore (Government of India, Finance Department, No. 520 F., dated the 25th March 1916) ...	...	+2,17,468	+1,86,241	+2,17,000	+1,86,000	+1,86,000
Earmarked.						
Grants to Church Mission Society College, Calcutta (Government of India, Finance Department, No. 115 F., dated the 27th October 1913).	-6,000	-6,000	-6,000	-6,000	-6,000	-6,000
For aided English Secondary Schools (Government of India, Finance Department, No. 227 F., dated the 18th July 1912).	-1,50,000	-1,50,000	-1,50,000	-1,50,000	-1,50,000	-1,50,000
Improvement of female education (Government of India, Finance Department, No. 1111 F., dated the 24th October 1913).	-30,000	-30,000	-30,000	-30,000	-30,000	-30,000
For popular education (Government of India, Finance Department, No. 565 F., dated the 31st December 1912).	-9,25,000	-9,25,000	-9,25,000	-9,25,000	-9,25,000	-9,25,000
For University Reform (Government of India, Finance Department, No. 411 F., dated the 25th September 1912).	-65,000	-65,000	-65,000	-65,000	-65,000	-65,000
Grants for education (Government of India, Finance Department, No. 582 F., dated the 25th March 1916).	-13,20,000	-13,20,000	-13,20,000	-13,20,000	-13,20,000	-13,20,000
Further grants for education (Government of India, Finance Department, No. 582 F., dated the 25th March 1916).	-1,50,000	-1,50,000	-1,50,000	-1,50,000	-1,50,000	-1,50,000
For extension of education to poorer classes of the domiciled community, Calcutta (Government of India, Finance Department, No. 2253 F., dated the 2nd October 1912, and No. 461 F., dated the 15th October 1912).	-40,000	-40,000	-40,000	-40,000	-40,000	-40,000
Grants to the Dacca University (Government of India Finance Department, No. 206 F., dated the 20th February 1913).	-45,000	-45,000	-45,000	-45,000	-45,000	-45,000
Grants to the Calcutta Improvement Trust (Government of India, Finance Department, No. 1913 F., dated the 25th March 1913).	-1,50,000	-1,50,000	-1,50,000	-1,50,000	-1,50,000	-1,50,000

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	ACTUALS.			Budget estimate, 1918-19.	Revised estimate, 1918-19.	Budget estimate, 1919-20.
	1915-16.	1916-17.	1917-18.			
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
RECURRING—concluded.						
Earmarked—concluded.						
Assignments for sanitary improvements (New Bengal) (Government of India, Finance Department, No. 582 F., dated the 26th March 1915).	- 5,00,000	- 5,00,000	- 5,00,000	- 5,00,000	- 5,00,000	- 5,00,000
For improvement of pay and training of teachers.	...	...	- 9,00,000	- 9,00,000	- 9,00,000	- 9,00,000
For primary education (Government of India, Finance Department, No. 619 F., dated the 26th March 1918).	...	...	...	- 5,50,000	- 5,50,000	- 5,50,000
Contribution from Bihar and Orissa towards pay of electrical staff.	- 7,572	...	...	...	...	...
Assignment for Lt.-Colonel Sutherland's deputation for Serological enquiry.	- 32,195	...	...	...	...	...
Assignment for adjustment of erroneous credit of the collections in Government estates under "Ordinary collections" in 1914-15 and 1915-16.	...	- 1,65,722	...	...	...	...
NON-RECURRING.						
Ordinary.						
Contribution from Bihar and Orissa in connection with fishery experiments (Government of India, Finance Department, No. 775 A., dated the 1st August 1913).	...	...	- 2,457	- 6,000	- 5,000	- 3,000
Contribution to the Chittagong Port for five years from 1913-14 (Government of India, Finance Department, No. 358A., dated the 9th April 1913).	- 75,000	- 75,000	- 75,000	- 75,000	- 75,000	- 4,00,000
Earmarked.						
Assignment for famine relief scheme.	- 60,000	- 60,000	...	...	...	...
In connection with the scientific research by Dr. J. C. Bose (Government of India, Finance Department, No. 1514 E.B., dated the 11th November 1915, and No. 1250 E.B., dated the 7th September 1917).	- 39,650	- 31,600	- 34,225	- 38,000	- 38,000	- 38,000
Grants to the Dacca University (Government of India, Finance Department, No. 1668 F., dated the 2nd December 1914).	- 1,00,000	- 1,00,000	- 1,00,000	- 1,00,000	- 1,00,000	...
For water-supply in Midnapore	...	...	- 1,00,000	...	...	...
For building project of the Ranchi Lunatic Asylum.	...	...	+ 1,58,714	+ 6,00,000	+ 6,00,000	+ 2,37,000
For Bengal Publicity Board	...	...	...	...	- 1,50,000	...
For Director of Civil Supplies, Bengal.	- 47,000	- 50,000
For anti-malarial works	+ 35,000	...	+ 95,000	...

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	ACTUALS.			Budget estimate, 1918-19.	Revised estimate, 1918-19.	Budget estimate, 1919-20.
	1915-16.	1916-17.	1917-18.			
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
NON-RECURRING— <i>concluded.</i>						
Earmarked—concl'd.						
In connection with improvements and repairs to Belvedere.	...	...	...	...	- 1,07,000	...
In connection with the investigation of the fibre resources of India by the Bengal Fibre Expert.	...	...	...	...	...	- 6,000
Expenditure on agricultural education.	...	...	...	...	- 1,80,000	...
Loss in exchange for the purchase of quinine at Java.	...	...	...	...	- 1,75,000	...
Total Transfers between imperial and provincial revenues.	- 58,49,619	- 17,69,861	- 11,94,252	- 7,67,000	- 8,84,000	- 31,52,000

50. The increase of Rs. 1,17,000 in the revised estimate as compared with the sanctioned estimate is mainly due to the payment by the Government of India to this Government of Rs. 1,50,000 for the Bengal War Publicity Board, Rs. 47,000 for the Director of Civil Supplies, Bengal, Rs. 95,000 for anti-malarial works, Rs. 1,07,000 for improvements and repairs to Belvedere, Rs. 1,80,000 for agricultural education, and an assignment of Rs. 1,75,000 as compensation for the loss in exchange for the purchase of quinine at Java. Against these additional receipts must be set off the larger contribution from provincial funds to imperial revenues on account of the provincial share of the extra income-tax accruing from additional taxation.

Beyond the assignments from imperial revenues of Rs. 50,000 for the Director of Civil Supplies, Bengal, Rs. 6,000 to meet the cost of investigation of the fibre resources of India by the Bengal Fibre Expert, Rs. 3,25,000 for the improvement of the Port of Chittagong, Rs. 26,25,000 on account of the loss in income-tax revenue necessitated by the changes in taxation, and a larger payment to imperial revenues as the provincial share of the extra income-tax due to additional taxation, the assignment budget of the coming year calls for no remarks. No assignment will be made next year on account of the non-recurring grant to the Dacca University, the last assignment of the promised grant of a lakh each year for five years from 1914-15 having been paid this year.

J. DONALD,

Secy. to the Govt. of Bengal, Financial Dept.

The 12th March 1919.

*Revised Financial Statement.***List of Public Works Department New Works for 1919-20.**

	Rs.
Acquisition, of land for the new nurses' quarters, Medical College Hospital	4,30,000
Eye Hospital	2,00,000
Hygiene Institute	1,00,000
Nurses' quarters, Medical College Hospital...	2,00,000
Medical School at Burdwan	1,00,000
Construction of hostel, Kanchrapara	45,000
Extension of Dow Hill Girls' School, Kurseong	50,000
Hostel for Rajshahi College	50,000
Zilla School at Burdwan	50,000
Scheme for the development of Kalimpong...	2,50,000
Subdivisional Court buildings at Manikganj, Dacca	49,865
Reconstruction of the subdivisional buildings at Alipur Duars in Jalpaiguri	40,000
Improvement of Howrah Court latrines	19,826
Improvement of Alipur Court latrines	10,950
Racks for the Settlement office buildings at Berhampur	10,000
Provincial share of office building for the Survey Department	1,25,000
Quarters and office buildings for the Joint Registrar of Co-operative Societies, Naogaon	80,000
Construction of the Pabna District Farm buildings	20,000
New Hospital for Calcutta Police	2,00,000
Kotwali police-station buildings at Chittagong	47,562
Office for the Deputy Inspector-General of, Police, Rajshahi Range, at Jalpaiguri	17,130
Construction of buildings at Shibchar police-station, Faridpur	16,000
New Police Hospital at Krishnagar	61,900
New Police Hospital at Suri	48,800
House for Political Agent, Hill Tippera	30,000
Combined liquor warehouse and ganja gola at Faridpur	18,273
Combined liquor warehouse and ganja gola at Barisal...	9,298
New liquor warehouse at Mymensingh	9,361
Combined liquor warehouse and ganja gola at Diamond Harbour	5,866
Additional Sessions Court and Additional Munsifs' Court at Bogra	37,500
Civil Court at Burdwan	87,000
Residence for Additional Sessions Judge, Bogra, and four Munsifs	50,000
Residence for four Munsifs at Satkhira, Khulna	
Residence for three Munsifs at Bagerhat, Khulna	
Construction of separate cells at Rajshahi Central Jail...	8,000
Rebuilding of the cells at Bankura Jail	7,228
Construction of undertrial wards, Brahmanbaria Sub- Jail	15,100
Extension of Natore Sub-Jail	5,100
Extension of Barrackpore Sub-Jail	32,100
Construction of a hospital at Faridpur Jail...	15,000
Extension of the Barisal Sadar Registration office building	28,830
Extension of the Howrah Sadar Registration office building	21,000
Sub-Registry office at Barhatta in Mymensingh	6,707
Protection of river bank at Surdah for protection of Police Training School	50,000
Improvement of Duars Road, Jalpaiguri	2,00,000
Laying Maidan Roads, Calcutta, with tar-macadam metalling	1,00,000
Construction of a footpath along the east side of the Jail Road on the Calcutta Maidan	11,344

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SCHEDULE OF NEW SCHEMES.

Obligatory schemes which have been provided for in the budget.

Major budget head and sub-head under which provision has been made.	Nature of scheme.	ESTIMATE OF ULTIMATE MAXIMUM COST.			ESTIMATE OF EXPENDITURE IN 1919-20.			REMARKS.
		Non-recuring.	Recurring.	Total.	Non-recuring.	Recurring.	Total.	
1	2	3	4	5	6	7	8	9
3.—LAND REVENUE. Management of Government Estates.	Reclamation work in the 24-Parganas Sundarbans.	Rs. ...	Rs. 25,000	Rs. 25,000	Rs. ...	Rs. 25,000	Rs. 25,000	In view of the excellent results obtained by a system of colonization of the Bakarganj Sundarbans, it has been decided that future settlements of waste lands in the 24-Parganas, Sundarbans, should ordinarily be made raiyatwari. A definite scheme for this purpose has not yet been received from the Board. The Collector (Mr. Prentice) suggested that an annual grant of Rs. 25,000 may be made for the work.
	Total	...	25,000	25,000	...	25,000	25,000	
7.—EXCISE. Presidency Establishment—Inspection and Prevention, Salaries.	Appointment of a Prosecutor in Excise and Salt cases, Calcutta.	Rs. ...	Rs. 6,000	Rs. 6,000	Rs. ...	Rs. 2,460	Rs. 2,460	The prosecution work has hitherto been done by an Inspector of Excise and Salt, but lately a special post has been created on Rs. 175—15—400—25—500 for this work, while the post of an Inspector of Excise and Salt has been abolished.
District Executive Establishment, Inspection and Prevention, Temporary Establishment.	Employment of an Excise establishment in the areas in which the tree tax system has been introduced.	2,520	...	2,520	2,520	...	2,520	The tree tax system has already been introduced in Sadar and Serampore Subdivisions of the Hooghly District and the whole of the Howrah District (with the exception of the areas included in the Calcutta District), and three Sub-Inspectors of Excise on Rs. 50 each and six peons on Rs. 10 each have been employed in this connection for a period of three years.
Ditto ditto ...	Employment of an excise establishment to supervise the wine factory recently started at Russa Road, Calcutta.	960	...	960	960	...	960	One Sub-Inspector of Excise on Rs. 50 and three peons on Rs. 10 each have been employed for one year to supervise the working of this new wine factory.

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Major budget head and sub-head under which provision has been made.	Nature of scheme.	ESTIMATE OF ULTIMATE MAXIMUM COST.			ESTIMATE OF EXPENDITURE IN 1919-20.			REMARKS.
		Non-recurring.	Recurring.	Total.	Non-recurring.	Recurring.	Total.	
1	2	3	4	5	6	7	8	9
7—Excise—continued.								
District Executive Establishment—Inspection and Prevention, Temporary establishment.	Employment of female excise preventive officers to detect smuggling of excisable articles by women employed by smugglers.	Rs. 2,880	...	Rs. 2,880	Rs. 2,880	...	Rs. 2,880	For the employment of four female excise preventive officers on Rs. 50 each a month, with an order on Rs. 10 a month under each, on railways, to search excisable articles carried by women who are employed by smugglers.
Presidency Establishment. Contingencies.	Telephone charges	...	300	300	...	300	300	This is intended for a telephone which it is proposed to instal at the private residence of the Second Superintendent of Excise in charge of Prevention and Inspection at Calcutta.
Distilleries, District Establishment, Contingencies.	Petty construction and repairs.	5,000	...	5,000	5,000	...	5,000	Required for the construction of residential quarters for Excise officers.
	Total	11,360	6,300	17,660	11,360	2,760	14,120	
10. Income-tax—Mufassal Assessing Establishment.	Appointment of additional assessing establishment in the Rajshahi Division.	...	9,366	9,366	...	7,422	7,422	Formerly there were four income-tax assessors in the Rajshahi Division. In consequence of the increase of work under the new Income-tax Act, the following additional assessing staff has been sanctioned by Government :— 3 Assessors on Rs. 75—2—125 each a month. 3 Assessors' clerks on Rs. 30 each a month. 6 Assessors' peons on Rs. 9 each a month. Traveling allowance— Assessors at the rate of Rs. 70 each a month. Assessors' clerks at the rate of Rs. 8 each a month. Assessors' peons at the rate of Rs. 1-8 each a month. The estimate includes hill allowance for assessors' clerks and peons in Darjeeling.
	Provincial share	...	4,683	4,683	...	3,711	3,711	

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11.—FORESTS.	24,000	...	24,000	24,000	...	24,000	24,000	Ra. 19,000 5,000
Conservancy and works ...	Purchase of barbed wire and sheep netting.	...	24,000	24,000	...	24,000	24,000	For Buxa Division For Jalpaiguri Division
Establishment ...	Appointment of two extra Assistant Conservators.	...	6,000	6,000	...	6,000	6,000	The Secretary of State has sanctioned this.
	Total	24,000	6,000	30,000	24,000	6,000	30,000	
12.—REGISTRATION— DISTRICT CHARGES.	Creation of three additional appointments in grade V of Sub-Registrars.	...	1,800	1,800	...	1,800	1,800	The scheme was sanctioned in Government order No. 971T.—R., dated 13th September 1918.
	Creation of three additional appointments of probationers.	...	1,080	1,080	...	1,080	1,080	
	Revision of the strength and pay of the ministerial establishments of district headquarters and rural registration offices in Bengal.	...	1,37,780	1,37,780	...	48,012	48,012	The scheme was sanctioned by the Secretary of State in 1916 but effect could not be given on account of financial stringency. To give partial relief it is proposed to sanction an increase of 20 per cent. on the pay of the ministerial staff in the esdar and mufassal offices. The details of the scheme are :—
								(i) Revision of establishments in the headquarters offices on the basis of actual requirements so as to increase the total strength and the rates of pay.
								(ii) Raising the pay of the clerks and muharrirs employed in the headquarters post offices from Ra. 20 and Ra. 15 to R., 30 and Ra. 25 per mensem, respectively.
								(iii) Enhancement of pay of clerks and muharrirs employed in the mufassal registration offices from Ra. 20 and Ra. 15 to Ra. 25 and Ra. 20 per mensem, respectively.
								(iv) Payment to temporary muharrirs employed in registration offices at Rs. 20 instead of at Rs. 15.
								(v) Employment of paid probationers on Ra. 10 per mensem, the sanctioned number for each district being fixed at 84 per cent. of the total permanent establishment in it.
	Reorganization of the Registration Department.	...	11,000	11,000	...	11,000	11,000	To introduce scheme for District Registrars on lines of Madras system.
	Total	...	1,51,660	1,51,660	...	61,892	61,892	

Revised Financial Statement.

Major budget head and sub-head under which provision has been made.	Nature of scheme.	ESTIMATE OF ULTIMATE MAXIMUM COST.				ESTIMATE OF EXPENDITURE IN 1919-20.			REMARKS.
		Non-recurring.	Recurring.	Total.	Non-recurring.	Recurring.	Total.		
1	2	3	4	5	6	7	8	9	
18.—GENERAL ADMINISTRATION.									
Civil offices of Account and Audit.	Revision of establishment of the outside Accounts Department.	Rs. ...	Rs. 12,000	Rs. 12,000	Rs. ...	Rs. 12,000	Rs. 12,000	Government of India will reimburse this Government equivalent assignment.	
Tour expenses ...	Construction of a new metre gauge bogie saloon for the use of His Excellency the Governor.	35,100	...	35,000	35,000	...	35,000	The provision is to replace the present saloon, which is very old and uncomfortable, by a new metre gauge bogie saloon.	
Legislative Department ...	Increase of salary of Assistant Secretary.	...	980	980	...	600	600	An increase in the salary of the Assistant Secretary from Rs. 500—50—750 to Rs. 600—50—1,200 per mensem, and to allow the present incumbent to draw Rs. 840 per mensem, has been recommended to the Government of India.	
	Total ...	35,000	12,980	47,980	35,000	12,600	47,600		
19A.—LAW AND JUSTICE—COURTS OF LAW.									
Administrator-General and Official Trustee.	Establishment for House-Property Department.	...	5,208	5,208	...	5,208	5,208	For Administrator-General's office : — Rs. 1 Clerk ... 150 1 Do. ... 75 1 Do. ... 50 2 Sarkars (20) ... 40 For Official Trustee's office : — - Rs. A. 1 Clerk ... 85 0 1 Durwan ... 21 8 1 Do. ... 12 8 434 0 per mensem or Rs. 5,208 per annum. It has been decided that this charge should be borne by Government and should not be debited to the estates concerned.	

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Court of Small Causes	...	Appointment of 7th Judge, Small Cause Court, Cal- cutta, and establishment.	...	14,724	14,724	...	14,724	14,724	...
Ditto	ditto	Additional establishment for the Small Cause Court, Calcutta.	...	2,088	2,088	...	2,088	2,088	...
High Court	...	Grant of shorthand allow- ance to clerks.	...	1,080	1,080	...	1,080	1,080	...
District and Sessions Courts	...	Establishment for copying work, Appellate side.	...	2,160	2,160	...	2,160	2,160	...
	...	Establishment for Civil Courts Nankali.	...	3,360	3,360	...	3,360	3,360	...
	...	Improvement of pay and prospects of the officers of the Provincial Judicial Service.	...	5,40,000	5,40,000	...	1,25,000	1,25,000	...
High Court	...	Personal allowance to Senior Bench Clerk, Appellate Side.	...	600	600	...	600	600	...

Revised Financial Statement.

Major budget head and sub-head under which provision has been made.	Nature of scheme.	ESTIMATE OF ULTIMATE MAXIMUM COST.			ESTIMATE OF EXPENDITURE IN 1919-20.			REMARKS.
		Non-recurring.	Recurring.	Total.	Non-recurring.	Recurring.	Total.	
1	2	3	4	5	6	7	8	9
19A—LAW AND JUSTICE— COURTS OF LAW.								
High Court ...	Additional establishment for the reorganisation of the record-rooms on the Appellate side.	Rs. 10,586	Rs. 13,788	Rs. 24,374	Rs. 10,000	Rs. 14,000	Rs. 24,000	<p>The details are :—</p> <p>Rs.</p> <p>For Record Department ... 3,232</p> <p>" English office ... 3,628</p> <p>" Judicial Department ... 6,928</p> <p>— 13,788</p> <p>For re-arrangement of record racks ... 10,586</p> <p>Total ... 24,374</p>
District and Sessions Courts.	Establishment under District Judge, Mymensingh.	...	3,360	3,360	...	3,360	3,360	<p>The proposal has been submitted to the Government of India for sanction and a lump provision of Rs. 24,000 has been made.</p> <p>Following additional establishment has been already sanctioned :—</p> <p>Rs.</p> <p>4 Clerks (40) ... 160</p> <p>4 Do. (30) ... 120</p> <p>— 280 per mensem or 3,360 per annum.</p>
Date.	Appointment of a shorthand typist for District Judge, Chittagong.	...	720	720	...	720	720	A shorthand typist on Rs. 60 per mensem was sanctioned from 1st April 1918.
	Total ...	10,586	5,97,088	5,97,674	10,000	1,72,300	1,82,300	

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		The post sanctioned with effect from 9th September 1918.						
19B.—LAW AND JUSTICE— JAILS.		...	1,200	1,200	1,200	1,200	1,200	1,200
Superintendence	One temporary clerk on Rs. 100 per mensem in the office of Inspector-General of Prisons for confidential work.	...	...	...	...	...	...	...
Medical Establishment	Allowance to Sub Assistant Surgeon in charge of Tuberculosis Ward, Comilla Jail.	...	240	240	240	240	240	240
Ditto	Two temporary compounders at Rangpur and Comilla Jails.	...	810	810	810	810	810	810
Ditto	Opening of a new Sub-Jail at Sherpur in Mymensing district.	...	1,176	1,104	1,176	1,104	1,104	1,104
Jail manufacture	Establishment of a Central Depot for the distribution of quinine, Juvenile Jail.	...	2,740	2,400	2,740	2,400	2,400	2,400
Ditto	One temporary task-taker at Rajshahi Central Jail.	...	360	360	360	360	360	360
Ditto	One temporary bee-keeper at Darjeeling.	...	144	144	144	144	144	144
Ditto	Employment of a temporary clerk at Jail Depot, Calcutta.	...	300	300	300	300	300	300
Total		...	6,970	6,516	6,970	6,516	6,516	6,516

Rs.
120
240
216
600
Total
1,176

1 Sub-Assistant Surgeon at Rs. 10
1 Clerk at Rs. 20
1 Head Warder at Rs. 18
4 Warders at Rs. 11-14

1 Head Clerk at Rs. 80—4—100.
2 Clerks at Rs. 50—1—60 each.
2 Peons at Rs. 10 each.

This is necessary to cope with increased work.

Revised Financial Statement.

Major budget head and sub-head under which provision has been made.	Nature of scheme.	ESTIMATE OF ULTIMATE MAXIMUM COST.			ESTIMATE OF EXPENDITURE IN 1919-20.			REMARKS.
		Non-recurring.	Recurring.	Total.	Non-recurring.	Recurring.	Total.	
1	2	3	4	5	6	7	8	9
20.—POLICE.								
Presidency Police	Revision of pay of the two buglers of the Police Training School, Dullanda.	...	36	36	...	36	36	The pay has been raised from Rs. 13 each to Rs. 13 to 16 by an increment of Rs. 1 after 3, 10, and 17 years of service.
	Duty allowance to electric mistri for electric pump installation at No. 55-58, Ezra Street.	...	36	36	...	36	36	The allowance of Rs. 3 per mensem has already been sanctioned.
	Grant of personal allowance to clerks of the office of the Commissioner of Police.	...	1,620	1,620	...	1,620	1,620	The following personal allowances have been sanctioned to the upper grade assistants of the office of the Commissioner of Police drawing same pay for over 5 years :— 1 Assistant on Rs. 200 ... 40 1 ditto .. 150 ... 30 1 ditto .. 125 ... 25 1 ditto .. 100 ... 20 1 ditto .. 100 ... 20 <div>135 x 12 = 1,620</div>
	Reorganisation and extension of the Indian Traffic Police in Calcutta.	9,968	14,582	24,550	9,968	14,582	24,550	The scheme has been sanctioned. The operation of the Improvement Trust and the general extension of motor-car traffic make imperative to extend the Traffic Police in both the north and south districts. The financial effect is given below :— Recurring— 22 head-constables, 4 (25), 9 (21), and 9 (18) ... 459 8 Duty allowance of Rs. 2 each to 34 head-constables ... 68 0 Duty allowance of Rs. 2 each to 396 constables ... 792 0 Contingencies at 10 per cent. of pay ... 46 0 Deduct present cost ... 1,365 8 <div>1,189 8 per month. or 14,274 per annum.</div>

Revised Financial Statement.

[illegible]

The usual contribution will be paid by the Port Commissioners.

Revised Financial Statement.

Major budget head and sub-head under which provision has been made.	Nature of scheme.	ESTIMATE OF ULTIMATE MAXIMUM COST.			ESTIMATE OF EXPENDITURE IN 1919-20.			REMARKS.
		Non-recuring.	Recurring.	Total.	Non-recuring.	Recurring.	Total.	
1	2	3	4	5	6	7	8	9
20.—Police—continued. Presidency Police	Additional staff in connection with the Public Vehicles Department.	Rs. 848	Rs. 39,216	Rs. 40,064	Rs. 848	Rs. 39,152	Rs. 40,000	Under the Act just passed the control of hackney carriages, palanquins, etc., will be transferred from the Corporation of Calcutta to the Commissioner of Police. To give effect to the proposal following additional staff, executive and ministerial, will be required :— 1 Deputy Commissioner ... [Pay (700), conveyance allowance (150), local allowance (160), accommodation (250)]. 1 Assistant Commissioner [Pay (400), conveyance allowance (75), accommodation (125)]. 1 Inspector [Pay (200), conveyance allowance (25), accommodation (60)]. 2 Sergeants, 1 (100), 1 (130), conveyance allowance, 2 (20), accommodation, 2 (50). 4 Head-constables, 1 (26), 1 (21), 2 (18), accommodation (50). 8 Constables (14), accommodation (50). Rs. 1,200 600 385 370 134 166 2,755 173 Contingencies at 10 per cent. ... 5 clerks, 1 (80), 1 (70), 2 (50), 1 (50) and 2 peons (10) ... 2,928 x 12 = 35,136 340 x 12 = 4,080 39,216 = 848 Clothing 2(216), 4 (44), 8 (30)
	Construction of a steam-launch to replace the John Lambert.	40,000	...	40,000	40,000	...	40,000	
	Purchase of mosquito-nets for head-constables and constables.	5,000	...	5,000	5,000	...	5,000	The necessity for these mosquito-nets has been long established and effect is being given gradually as funds permit. A special grant of Rs. 5,000 has been given in 1918-19.

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Improvement of pay and prospects of European Inspectors and Sergeants.	...	1,03,217	1,03,217	...	50,000	50,000	It is intended to give effect to the scheme as soon after the termination of the war as possible.	
		56,420	1,66,354	2,22,774	56,420	1,12,443	1,68,863	Rs. A.
	Total Presidency Police							Proposed cost ... 4,12,265 12
								Present " ... 3,09,048 15
								Increase ... 1,03,216 13
								A lump provision of Rs. 50,000 is proposed to meet probable requirements.
District Police	...	...	9,280	9,280	...	9,280	9,280	Rs. A. P.
	Crew for four thana launches.							This has been sanctioned
								1 Serang ... 36 10 8
								1 Sukhani ... 22 0 0
								1 Kassar ... 15 0 0
								1 Sweeper ... 14 0 0
								1 Driver ... 36 10 8
								1 Engine-room kassar ... 20 0 0
								1 Fireman and greaser ... 17 0 0
								1 Lascar ... 17 0 0
								1 Fireman ... 15 0 0
								193 5 4 x 12 = 9,280 0 0
Revision of the rates of pay of Imperial Police officers.	...	...	2,50,000	2,50,000	...	2,50,000	2,50,000	This has already been sanctioned by the Secretary of State.
	Crew for one thana (oil) launch.							The oil launch has been sanctioned and following crew is necessary:—
								Rs. A. P.
								1 Serang ... 30 0 0
								1 Driver ... 50 0 0
								1 Assistant driver ... 30 0 0
								1 Lascar ... 13 0 0
								1 Lascar ... 11 0 0
								134 0 0
								Contingencies ... 13 6 4
								Travelling allowance ... 10 11 6
								158 1 10 x 11 = 1,739 4 2

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Major budget head and sub-head under which provision has been made.	Nature of scheme.	ESTIMATE OF ULTIMATE MAXIMUM COST.			ESTIMATE OF EXPENDITURE IN 1919-20.			REMARKS.
		Non-recuring.	Recurring.	Total.	Non-recuring.	Recurring.	Total.	
1	2	3	4	5	6	7	8	9
20—POLICE—continued.								
District Police—continued...	Raising the number of head-constables in Eastern Bengal to ultimate strength.	Rs. 1,672	Rs. 12,126	Rs. 13,798	Rs. ...	Rs. 12,126	Rs. 12,126	<p>In force from 1st April 1918. Rs. A. P.</p> <p>7 Head-constables (22-8) ... 157 8 0</p> <p>12 Ditto (20) ... 240 0 0</p> <p>25 Ditto (17-8) ... 437 8 0</p> <p>Contingencies at 10 per cent. 83 8 0</p> <p>Travelling allowance at 8 per cent. ... 66 12 9</p>
								<p>First kit, maintenance of clothing and accoutrements ... 302 0 0</p> <p>945 4 9 x 12 = 11,823 9 0</p> <p>12,125 9 0</p>
	Entertainment of 31 additional constables for employment as armoures.	1,178	6,601	7,779	...	6,601	6,601	<p>In force. The force is entertained in Darca, Chittagong, Darjeeling, Howrah and the 24-Parganas. Rs. A. P.</p> <p>31 Constables (12-8) ... 387 8 0</p> <p>8 Local allowance (1) ... 8 0 0</p> <p>19 Armourers allowance (3) ... 57 0 0</p> <p>5 Ditto (2) ... 10 0 0</p> <p>Contingencies ... 38 12 0</p> <p>Travelling allowance ... 31 0 0</p> <p>532 4 0 x 12 = 6,387 0 0</p> <p>First kit, maintenance, etc ... 214 0 0</p> <p>6,601 0 0</p>
	Entertainment of 58 additional constables for raising the number of constables in Eastern Bengal districts to the ultimate scale.	2,233	9,854	12,087	...	9,854	9,854	<p>In force from 1st July 1918. Rs. A. P.</p> <p>58 Constables (11-8) ... 667 0 0</p> <p>Contingencies ... 66 11 2</p> <p>Travelling allowance ... 53 5 9</p> <p>787 0 11 x 12 = 9,444 11 0</p> <p>First kit and maintenance, etc. ... 409 0 0</p> <p>9,853 11 0</p>

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Grant of deputation (duty) allowance at annas 4 each per diem to certain non-commissioned officers and sepais of the Dacca Military Police deputed for guard duty at Jails.	630	404	1,034	630	404	1,034	In force. The men are deputed to the Dacca, Presidency, Alipore, Midnapore, Rajshahi and Houghly Jails. Allowance to 73 men at annas 4 each per diem.
Supply of pure drinking water to the Police force stationed at Bally and Belur in the district of Howrah.	...	2,328	2,328	...	2,328	2,328	In force. Pay of Assistant Surgeon ... 224 House rent ... 50 Deduct pay of Sub-Assistant Surgeon ... 52 House rent ... 28 Rs. 274 194 x 12 = 2,328
Appointment of an Assistant Surgeon for the Howrah Police Hospital.	...	1,649	1,649	...	1,649	1,649	The general scheme regarding the uniformity in the manning scale and of pay of crew of Government launches has already been sanctioned by the Marine Department. The present revision is in accordance with this order.
Revision of scale of crew of police launches and their rates of pay.	...	120	120	...	120	120	In force.
Increase in the rate of personal allowance of Head Assistant, Bengal Police office, from Rs. 50 to Rs. 60 per mensem.	779	2,252	3,031	...	2,252	2,252	In force from August 1918. 2 Head-constables (20 and 17-8) ... 37 8 0 Constables (11-8) ... 115 0 0 Local allowance ... 1 0 0 Contingencies ... 15 4 0 Travelling allowance ... 12 3 2 180 15 2 x 12 = 2,171 6 0 First kit, maintenance of clothing, etc. ... 81 0 0 2,252 6 0
Redistribution of the areas of kotwali and double moorings police stations and establishment of a new police-station at Pachhalais in Chittagong district.							

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Major budget head and sub-head under which provision has been made.	1	2	ESTIMATE OF ULTIMATE MAXIMUM COST.				ESTIMATE OF EXPENDITURE IN 1919-20.			REMARKS.		
			Non-recurring.		Total.	Non-recurring.		Recurring.	Total.			
			Rs.	P.	Rs.	P.	Rs.	P.	Rs.		P.	
20.—Police—continued. District Police—continued.			693		4,327		...	3,634	8	3,634		In force from 1st April 1918. 2 Head-constables (17-8) 25 0 0 16 Constables (12-8) ... 200 0 0 Local allowance ... 16 0 0 Contingencies ... 25 1 7 Travelling allowance ... 20 1 3 First kit, maintenance of clothing, etc. ... 296 2 10 x 12 = 3,554 2 0 81 0 0 3,634 2 0
		Raising the staff of the Seraganj police-station in the district of Pabna to its ultimate strength.	115		776		...	661	8	661		In force from 1st July 1918. 1 Head-constable ... 22 8 0 2 Constables (11-8) ... 23 0 0 Contingencies ... 4 8 9 Travelling allowance ... 3 10 3 53 11 0 x 12 = 644 4 0 Maintenance of clothing and accoutrements ... 16 8 0 660 12 0
		Creation of an additional appointment of Inspector in the C. I. D. in lieu of that of Sub-Inspector in charge of photo bureau.	...		1,884		...	1,884	8	1,884		In force from 1st October 1918. Inspector ... 150 0 0 Local allowance ... 50 0 0 House allowance ... 30 0 0 Contingencies ... 15 0 0 Travelling allowance ... 12 0 0 Deduct present expenditure— Rs. Inspector ... 50 Local allowance ... 30 House allowance ... 20 100 0 0 157 0 0 x 12 = 1,884 0 0

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Entertainment of orderly staff for the Additional Superintendent of Police, Faridpur.	42	494	536	...	494	In force from 1st June 1918. 3 Constables (11-8) ... Contingencies ... Travelling allowance ... Maintenance of clothing and accoutrements ...	34 8 0 x 12 =	414 0 0 41 6 5 38 2 0 5 8 0
Entertainment of head-constables in charge of Police Training College Hospital, Sardah, and of 9 ward orderlies and abolition of 3 orderly constables.	38	1,456	1,494	...	1,456	In force from 1st July 1918. 1 Head-constable ... 9 Ward orderlies (11 8) ... Total ... Deduct pay of 3 orderly constables (11-8) ...	20 0 0 103 8 0 123 8 0 34 8 0	494 0 5
Grant of personal allowance at Rs. 15 per mensem to the senior Accountant in the office of the Intelligence Branch of the Criminal Investigation Department.	...	180	180	...	180	Allowance of head-constable (5) ... Allowance of constables (2) ... Contingencies ... Maintenance of clothing and accoutrements ... Total	89 0 0 x 12 =	1,068 0 0 60 0 0 216 0 0 106 12 9 5 8 0 1,456 4 9
Direct appointments to the post of Court Inspector up to a limit of 10 per cent. of the vacancies in a year.	...	2,200	2,200	...	2,200	In force. 2 Probationary Inspectors under training (75) ... 2 Probationary Inspectors in districts for January and February 1920 (100) ... Total	...	1,800 0 0 400 0 0 2,200 0 0
Raising the pay of Registrar, Intelligence Branch of the Criminal Investigation Department, from Rs. 400—20—600 to Rs. 500—20—700 per month.	...	1,200	1,200	...	1,200	In force from 1st July 1918.		

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Major heads: head and sub-head under which provision has been made.	Nature of scheme.	ESTIMATE OF ULTIMATE MAXIMUM COST.				ESTIMATE OF EXPENDITURE IN 1919-20.			REMARKS.
		Non-recurring.	Recurring.	Total.	Non-recurring.	Recurring.	Total.		
1.	2.	3.	4.	5.	6.	7.	8.	9.	
20.—Police—concluded.									
District Police—concluded...	Addition of four head-constables to the special armed force of Dacca and Jaldighuri districts for deputing to military police battalions at Dacca and Buxa for conducting training of head-constables in drill.	Rs. 160	Rs. 1,155	Rs. 1,315	Rs. ...	Rs. 1,155	Rs. 1,155	In force from 1st October 1918. 4 Head-constables (17-8) ... 70 0 0 Allowance (3) ... 12 0 0 Contingencies ... 7 0 0 Travelling allowance ... 5 9 7 94 9 7 x 12 = 1,135 3 0 Allowance to Janadar Adjutant ... 20 0 0 Total ... 1,155 3 0	
	Raising the strength of the Dacca Military Police Battalion by the addition of a company.	23,041	32,207	55,248	...	32,207	32,207	Military force ... 1,327 0 0 Hospital establishment ... 15 0 0 Office establishment ... 300 8 11 Staff allowance ... 20 0 0 Signalling allowances ... 6 0 0 Compensation for dearness of provision ... 702 0 0 Line sweeper ... 313 5 4 Total ... 2,683 14 3 x 12 = 32,206 11 0	
	Appointment of a temporary clerk at Rs. 125 a month in the office of the Inspector-General of Police.	...	1,500	1,500	...	1,500	1,500	In force. The clerk has been entertained to prevent possibility of double payments in respect of arrear salary bills of subordinate police officers and men.	
	Appointment of a Sub-Assistant Surgeon for the Police Hospital at Comilla.	...	594	594	...	594	594	In force. Sub-Assistant Surgeon's duties were formerly shared between the jail and the police and he received a monthly allowance of Rs. 20 from this Department. A whole-time Sub-Assistant Surgeon has now been entertained.	
								Rs. A. P. Average pay ... 69 8 x 12 = 834 Deduct present allowance ... 240 594	

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Boat hire for the Circle Inspector at Bhairab, Mysmensingh.	...	600	...	600	600	600	600	600	This is essentially a river circle and a boat hire of Rs. 50 has been sanctioned.
Appointment of a temporary clerk on Rs. 50 in the office of the Deputy Inspector-General, Criminal Investigation Department.	...	600	...	600	600	600	600	600	In force.
Entertainment of an assistant accountant and two extra clerks in the Howrah Police office.	...	1,440	...	1,440	1,440	1,440	1,440	1,440	Re. A. P. Ra. A. P. 1 Assistant Accountant ... 50 0 0 1 Clerk ... 40 0 0 1 Clerk ... 30 0 0
Lump provision for new telephone connections.	...	1,000	...	1,000	1,000	1,000	1,000	1,000	Total ... 120 0 0 x 12 = 1,440 0 0
Total District Police ...	30,581	3,53,886	630	3,53,728	3,84,467	3,54,358	3,54,358	3,54,358	
GRAND TOTAL ...	87,001	5,20,240	57,050	4,66,171	6,07,241	5,23,221	5,23,221	5,23,221	
21.—PORTS AND PILOTAGE									
Salaries and allowances of officers and men afloat.	Appointment of mate pilots as chief officers and of outsiders as junior officers of the two pilot vessels.	18,480	...	18,480	18,480	18,480	18,480	18,480	Owing to paucity of leadmen apprentices, the exigencies of pilot service require that outsiders should be appointed as junior officers and mate pilots as chief officers to set free those leadmen who might be employed as officers on board the two steam pilot vessels, so that they might have the requisite time to learn the river. Re. 3 officers (400) ... 1,200 Deduct present provision ... 430 ————— 770 x 2 x 12 = 18,480
Marine establishment	Increase in the salary of 1st Engineer and Shipwright Surveyor.	...	2,400	...	2,400	2,400	2,400	2,400	An increase of the staff pay of Engineer-Commander Laslett from Rs. 450 to Rs. 650 has been recommended to the Government of India.
Ditto	Employment of temporary Sub-Inspectors under Agent for Government Consignments.	...	1,500	...	1,500	1,500	1,500	1,500	The entertainment of temporary sub-inspectors for a week at a time to cope with the rush of work in taking over valuable consignments of specie, etc., has been sanctioned.
Subsidies to steam-boat companies.	Increase of subsidy to the India General and Rivers Steam Navigation Companies for the supply of pilots to Government vessels.	...	1,500	...	1,500	1,500	1,500	1,500	The subsidy will be raised from Rs. 3,000 to Rs. 4,500 on account of the increased demand for pilots owing to the introduction of the river patrol system.

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Major budget head and sub-head under which provision has been made.	Nature of scheme.	ESTIMATE OF ULTIMATE MAXIMUM COST.				ESTIMATE OF EXPENDITURE IN 1919-20.				REMARKS.
		Non-recurring.	Recurring.	Total.		Non-recurring.	Recurring.	Total.		
	2	3	4	5		6	7	8	9	
21.—PORTS AND PILOTAGE —concluded.										
Survey of steam-vessels at Calcutta.	Revision of steam-launch establishment.	Rs. ...	Rs. 936	Rs. 936	Rs. ...	Rs. ...	Rs. 936	Rs. 936		
State yacht establishment	Ditto	...	1,118	1,118	...	...	1,118	1,118		This has been sanctioned and given effect to.
Engineer and Shipwright Surveyor, Chittagong.	Ditto	...	60	60	...	...	60	60		
State yacht establishment	Increase of pay of firemen and greasers of Government vessels.	...	72	72	...	...	72	72		The pay of the two firemen and greasers on Rs. 17 has been raised to Rs. 20 each.
Shipping Master	Cost of photographs of lascars.	...	10,000	10,000	...	...	10,000	10,000		This represents cost of photographs of lascars, to be fixed on continuous discharge certificates for identification purposes.
Ditto	Entertainment of an additional temporary clerk.	...	480	480	...	...	480	480		
Branch Shipping Office, Kidderpore.	Appointment of a Superintendent.	...	3,000	3,000	...	...	3,000	3,000		The proposal is to appoint a Superintendent in the Shipping Office, Kidderpore, on Rs. 250 a month.
Port Officer, Calcutta	Revision of office establishment.	...	1,140	1,140	...	...	1,140	1,140		
Shipping Master, Calcutta	Ditto	...	3,000	3,000	...	...	3,000	3,000		
Survey and steam-vessels, Calcutta.	Ditto	...	540	540	...	...	540	540		
Agent for Government Consignments.	Ditto	...	3,500	3,500	...	...	3,500	3,500		
	Total	18,480	29,246	47,726		18,480	29,246	47,726		
22.—EDUCATION.										
Inspection—Inspector of European Schools.	Entertainment of additional establishment.	...	1,260	1,260	1,080	1,080		1 Clerk on Rs. 35—2—45. 1 Typist on Rs. 30—1—35, with shorthand allowance of Rs. 25 a month.

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Inspection—Inspection of other schools.	Home allowance of Assistant Inspectresses.	3,960	9,960	...	3,960	9,960	3,960	Three Inspectresses at Rs. 40 per month and 7 at Rs. 30 per month.									
Government Colleges—General—Art Colleges for boys.	Appointment of a lecturer in Mathematics, Rajshahi College.	1,500	1,500	...	1,500	1,500	1,500	Owing to the increase in the number of students reading mathematics, the present staff is inadequate to cope with the work. Hence an additional lecturer on Rs. 125 per month is necessary.									
	Appointment of a lecturer in Philosophy and Logic, Dacca College.	2,400	2,400	...	2,400	2,400	2,400										
	Provision for extension of affiliation of Hooghly College in Philosophy and Economics.	4,900	5,550	750	4,900	5,550	5,550										
Government Colleges—Professional—Civil Engineering College.	Appointment of an instructor in mechanical drawing in the Civil Engineering College, Silpur.	9,900	9,900	...	4,500	4,500	4,500	The Government of India have been moved to sanction the creation of a post on Rs. 300—25—700 outside the graded service with free quarters at the College or a house rent of Rs. 75 a month. The instructor will be required to teach both elementary and advanced machine-drawing and design to the College Diploma course up to the highest standard reached at British Technical Colleges. He will be required to supervise the teaching of drawing to artisans attending the College workshops, to assist the professors in preparing working drawing and machinery and laboratory equipment and may be called upon to draw up workshop estimates.									
Ditto ditto ...	Appointment of a lecturer in architecture at the Civil Engineering College, Silpur.	1,728	1,728	...	1,728	1,728	1,728	A Public Works Department officer is to be appointed to deliver lectures on architecture on a deputation allowance of one-fifth of his salary and conveyance allowance of Rs. 20 a month.									
								<table><tr><td>Remuneration</td><td>...</td><td>Rs. 1,488</td></tr><tr><td>Conveyance allowance</td><td>...</td><td>240</td></tr><tr><td></td><td></td><td>1,728</td></tr></table>	Remuneration	...	Rs. 1,488	Conveyance allowance	...	240			1,728
Remuneration	...	Rs. 1,488															
Conveyance allowance	...	240															
		1,728															
Government Schools—General—Secondary Schools for girls—High Schools.	Appointment of an additional teacher of English for Eden High School for girls.	720	720	...	720	720	720	The number of students having increased and some classes being split into two sections, the existing staff is overworked. Hence another teacher on Rs. 60 per month is necessary.									
Government Schools—General—Zenana classes.	House allowance to Zenana Governesses and Mistresses.	8,520	8,520	...	8,520	8,520	8,520	Eight at Rs. 20 per month and 55 at Rs. 10 per month. The cost will increase with the increasing number of mistresses in view of the policy to replace male teachers in girls' schools by women teachers.									
Government Schools—Special—Technical and Industrial Schools.	Allowance to Assistant Superintendent of the Rangpur Bayley Govindal Technical School.	240	240	...	240	240	240	The duties of the Assistant Superintendent being analogous to those of High Schools, and technical schools being very important institutions, such allowance is necessary.									

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Major budget head and sub-head under which provision has been made.	Nature of scheme.	ESTIMATE OF ULTIMATE MAXIMUM COST.			ESTIMATE OF EXPENDITURE IN 1919-20.			REMARKS.
		Non-recurring.	Recurring.	Total.	Non-recurring.	Recurring.	Total.	
1	2	3	4	5	6	7	8	9
22.—EDUCATION—contd.								
Government Schools—Special—Commercial Schools.	Appointment of an Indian Educational Service Principal in the Government Commercial Institute.	Rs. ...	Rs. 9,600	Rs. 9,600	Rs. ...	Rs. 9,600	Rs. 9,600	The Commercial Institute Board have recommended for a highly qualified Principal and Vice-Principal. The Government of India will have to be addressed and it is not sure when it will be possible to recruit a capable officer as Principal. The appointment of Vice-Principal will be taken up later on.
Government Schools—Special—Madrasah.	Appointment of a teacher of English, Chittagong Madrasah.	...	600	600	...	600	600	On the introduction of the Madrasah reformed course, the appointment of the sixth English teacher on Rs. 50 is necessary.
Ditto	Special Islamic Matriculation Examination.	7,700	...	7,700	4,200	...	4,200	This is a sanctioned scheme representing the pay of 2 professors on Rs. 200 a month for 8 months and a library grant of Rs. 1,000.
Ditto	For furtherance of Madrasah Reform Scheme.	...	1,33,000	1,33,000	...	30,000	30,000	A sum of Rs. 62,000 was given from the Imperial grant of 1½ lakh for improvement of Education and Rs. 25,000 from Provincial Revenues in 1917-18. An additional allotment of Rs. 30,000 is required in 1919-20. This has been sanctioned.
Miscellaneous	Islamic Matriculation Examination charges.	2,290	...	2,290	940	...	940	
Ditto	Appointment of a Physical Adviser.	...	6,000	6,000	...	4,500	4,500	
Scholarships	Grant of stipends to the children of Indian soldiers.	...	2,000	2,000	...	2,000	2,000	The Government of India have formulated certain rules as guide to local Governments in the grant of concessions to meet the education of children of Indian soldiers. It has been decided to grant stipends at the following rates:— In primary schools ... Rs. 1 to each boy. In high and middle English schools Rs. 2-8 ditto. In colleges ... " 10 ditto.
	Total	10,740	1,85,626	1,96,368	5,890	76,148	82,038	
24A.—MEDICAL.								
District Medical Establishment.	Grant of a personal allowance to the Head Clerk, Civil Surgeon's Office, Murshidabad.	...	120	120	...	120	120	This has already been sanctioned and given effect to.

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Major budget head and sub-head under which provision has been made.	Nature of scheme.	ESTIMATE OF ULTIMATE MAXIMUM COST.			ESTIMATE OF EXPENDITURE IN 1919-20.			REMARKS.
		Non-recuring.	Recurring.	Total.	Non-recuring.	Recurring.	Total.	
1	2	3	4	5	6	7	8	9
24A.—MEDICAL—concluded.								
Medical Schools and Colleges.	Revision of clerical establishment of the Medical College (appointment of an additional clerk and increase of pay of the Head and 2nd clerks).	Rs. ...	Rs. 1,200	Rs. 1,200	Rs. ...	Rs. 1,200	Rs. 1,200	This has been sanctioned.
Medical College	Appointment of an additional clerk for the Medical College, Calcutta.	...	840	840	...	840	840	This has already been sanctioned and given effect to.
Ditto	Revision of pay of the menials of the Medical College.	...	880	880	...	880	880	The pay of the menials of the Medical College Hospital has been revised lately and it is necessary therefore to revise the pay of menials on the College staff.
Medical Schools	Appointment of a teacher for the compounder class at Mymensingh.	...	994	994	...	994	994	This has already been given effect to.
								Rs. A. Pay 69 8 Local allowance ... 20 0 House rent ... 10 0 ----- 99 8
Hospitals and Dispensaries	Transfer of the Dacca Mitford Hospital as a State Institution.	...	20,000	20,000	...	20,000	20,000	
Medical College	Appointment of four additional chaprasis for the Medical College.	...	576	576	...	480	480	This has been sanctioned.
Medical Schools	Revision of pay of the clerical establishment of the Campbell Medical School.	...	1,140	1,140	...	420	420	This has already been given effect to.
Lunatic Asylums	Revision of pay of the clerical establishment of the Berhampore Lunatic Asylum.	...	600	600	...	72	72	This has been sanctioned.
	Increase of pay of two female head-keepers of the Berhampore Asylum.	...	24	24	...	24	24	Increase of Rs. 1 each per mensem has been sanctioned.

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Date	306	306	...	246	246	246	This has been sanctioned.
	Appointment of a 2nd compounder for the Berhampore Lunatic Asylum. Additional establishment, observation ward.	...	1,044	1,044	...	1,044	1,044	1,044	Details are :— 2 Ayahs on Rs. 11 each = 22 1 Tailor " " 10 = 10 1 Dhobi " " 10 = 10 1 Melitar " " 15 = 15 1 Keeper " " 15 = 15 1 Mehtrani " " 15 = 15 = 87 x 12 = 1,044
	Total	...	2,06,796	2,06,796	...	2,02,578	2,02,578	2,02,578	
24B.—SANITATION	...	...	...	5,000	...	5,000	5,000	5,000	This is a part of public health programme which is to be undertaken.
	Provision for course of training to enable young medical men to take the Calcutta D. P. H. and so qualify for appointment as district health officers.	75,000	...	75,000	75,000	...	75,000	75,000	Rs. Salary of 3 special officers (1,200) ... 43,200 Travelling allowance ... 9,000 Two Sub-Assistant Surgeons with their travelling allowance ... 4,000 Laboratory Assistant ... 1,000 Clerical and menial establishment ... 2,600 Microscopes, apparatus and cost of experimental treatments ... 7,500 Other charges ... 7,700 75,000
	Enquiry into the hook-worm disease.	...	...	...	...	...	...	...
	Kala-azar Survey	11,000	...	11,000	11,000	...	11,000	11,000	
	Appointment of a special officer to scrutinize college and school buildings from hygiene point of view.	...	6,500	6,500	...	4,500	4,500	4,500	
	For investigation of the river pollution.	25,000	...	25,000	25,000	...	25,000	25,000	A specially qualified officer with bacteriological knowledge will have to be employed. He will have to be supplied with a motor launch.
	Construction of a cold storage room in the Vaccine Depot.	28,000	...	28,000	28,000	...	28,000	28,000	Since the abolition of the Vaccine Depot at Darjeeling, the lymph is stored at the Medical College. The present arrangement is a makeshift one and this reform is essential.

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Appointment of Deputy Director.	...	20,632	20,632	...	11,192	11,192	Rs. 4,440 960 192 5,000 600 11,192
Revision of pay of Veterinary Assistants.	...	1,20,000	1,20,000	...	29,310	29,310	The ultimate cost of the scheme is shown below :— Rs. 4 Veterinary assistants on an average pay of Rs. 75 a month. 13,800 Local and personal allowance. 1,080 <u>14,880 x 12 = 1,78,560</u> 58,560 Deduct present cost ... Increase ... 1,20,000
Deduct recoveries	...	80,000	80,000	...	19,540	19,540	
	...	40,000	40,000	...	9,770	9,770	
Provision for improvement of breed of Bhutia ponies.	...	480	480	...	480	480	For 1919-20, there will be 107 officers— Rs. Costing ... 87,870 Deduct present cost ... 58,560 Increase ... 29,310 Two-thirds of the cost are usually recovered from local bodies. Rs. One syce and grass cutter ... 12 per mensem. Grain, etc. ... 22 ditto. Miscellaneous (bedding, salt, blanket, etc.) 6 ditto 40 x 12 = 480 Nineteen Durwans on Rs. 10 each.
Establishment of durwans for seed stores.	...	2,280	2,280	...	2,280	2,280	
Additional establishment in the office of the Director.	...	948	948	...	948	948	The provision is for the creation of a post on Rs. 150 a month in place of a post on Rs. 80 per mensem and for a peon on Rs. 9 a month.
Temporary establishment in connection with census of cattle.	5,500	...	5,500	5,500	...	5,500	

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Major budget head and sub-head under which provision has been made.	Nature of scheme.	ESTIMATE OF ULTIMATE MAXIMUM COST.			ESTIMATE OF EXPENDITURE IN 1919-20.			REMARKS.
		Non-recurring.	Recurring.	Total.	Non-recurring.	Recurring.	Total.	
1	2	3	4	5	6	7	8	9
26A.—Agriculture—concluded.	Additional establishment under the Economic Botanist.	Rs. ...	Rs. 3,000	Rs. 3,000	Rs. ...	Rs. 3,000	Rs. 3,000	
	Temporary assistant for Fibre Expert.	1,900	...	1,200	1,200	...	1,200	This is required in connection with experiment in water hyacinth ash.
	Re-establishment of two new district agricultural farms.	90,000	...	90,000	90,000	...	90,000	This is a part of the scheme for distribution of improved paddy and jute seed.
	Construction of a model rearing house, Berhampore.	10,000	...	10,000	10,000	...	10,000	This has been sanctioned.
	Entertainment of 9 Additional Agricultural Officers.	...	33,372	33,372	...	19,872	19,872	Sanction has already been given to the employment of 6 Additional District Agricultural Officers and to make up the full complement 4 more officers are required. The scheme for the formation of a service of District Agricultural Officers in Bengal, by which each district of the Presidency will have one agricultural officer, has already received the sanction of the Government of India. These officers will be on probation on Rs. 75 a month for two years and then confirmed in the grade of Rs. 100—5—200.
Expert staff ...	Additional establishment under Weaving Expert.	...	1,080	1,080	...	1,080	1,080	Rs. 9 Officers (75) ... 675 9 Peons (9) ... 81 Travelling allowance of officers and peons (100) ... 900 1,656 per mensem or 19,872 per annum.
Veterinary ...	Appointment of a 2nd Imperial officer for the Bengal Veterinary College.	...	6,000	6,000	...	6,000	6,000	

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Major budget head and sub-head under which provision has been made.	Nature of scheme.	ESTIMATE OF ULTIMATE MAXIMUM COST.			ESTIMATE OF EXPENDITURE IN 1918-20.			REMARKS.
		Non-recurring.	Recurring.	Total.	Non-recurring.	Recurring.	Total.	
1	2	3	4	5	6	7	8	9
26B.—SCIENTIFIC AND MISCELLANEOUS DEPARTMENTS.								
Development of Industries	Experiments in connection with hand-loom and other industries.	Rs. 3,000	Rs. ...	Rs. 3,000	Rs. 3,000	...	Rs. 3,000	
	For Research Tannery ...	1,30,000	68,400	1,98,400	10,000	68,400	78,400	Rs. 23,483 has already been incurred for land acquisition and Rs. 2,017 will be incurred for raising and levelling the land and Rs. 50,000 for construction of buildings during this year. For equipment Rs. 20,000 has also been sanctioned during 1918-19.
								Rs.
								For equipment 10,000
								For establishment at Rs. 5,700 a month ... 68,400
								The details are—
								1 Director 600
								1 Research Chemist 300
								1 Tannery Foreman 200
								1 Accountant and Head Clerk ... 100
								1 Typist and second clerk 40
								2 Assistant clerks 30 each.
								Tanning charges—
								Labour 500
								Hides 2,000
								Treatment of materials ... 300
								Power 300
								Sanitation and watch 50
								Stamps, stationery, etc. ... 150
								Tools, plant, furniture ... 500
								Laboratory supplies and literature. 250
								Freight, etc. 150
								Miscellaneous and contingencies. 200
	For Development of Industries.	2,50,000	...	2,50,000	2,50,000	...	2,50,000	
	Total	3,83,000	72,900	4,55,900	2,63,000	72,900	3,35,900	

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Pichaboni drainage works	1,00,000	...	1,00,000	1,00,000	1,00,000	...	1,00,000	1,00,000	...	1,00,000
Amirabad ditto ...	1,00,000	...	1,00,000	1,00,000	1,00,000	...	1,00,000	1,00,000	...	1,00,000
Bullee Bil ditto ...	50,000	...	50,000	50,000	50,000	...	50,000	50,000	...	50,000
Relief of after-flood con- gestion.	20,000	...	20,000	20,000	20,000	...	20,000	20,000	...	20,000
Rohra khal project ...	20,000	...	20,000	20,000	20,000	...	20,000	20,000	...	20,000
Uchinda project ...	20,000	...	20,000	20,000	20,000	...	20,000	20,000	...	20,000
Sagarputul Banibazar escape.	1,00,000	...	1,00,000	1,00,000	1,00,000	...	1,00,000	1,00,000	...	1,00,000
Investigation as to the drainage condition of the Sundarbans in the 24-Par- ganah.	30,000	...	30,000	30,000	30,000	...	30,000	30,000	...	30,000
Buildings required in con- nection with the forma- tion of a new permanent Irrigation Division to deal with waterways and drainage projects.	85,000	...	85,000	85,000	85,000	...	85,000	85,000	...	85,000

These are anti-malarial schemes for which contribution will also be given from the Sanitary grants.

These are projects for mitigating the effects of the floods in the Burdwan Division.

This is required chiefly for investigation of the conditions of the Sundarbans in the 24-Parganas with a view to ascertaining which portions of the unsettled area are fit for settle-
ment.

Revised Financial Statement.

Major budget head and sub-head under which provision is to be made.	1	2 Nature of scheme.	ESTIMATE OF ULTIMATE MAXIMUM COST.			ESTIMATE OF EXPENDITURE IN 1919-20.			REMARKS.
			Non-recurring.	Recurring.	Total.	Non-recurring.	Recurring.	Total.	
			3	4	5	6	7	8	9
43.—IRRIGATION—MINOR WORKS AND NAVIGATION— <i>concluded.</i>		Improvement of khals at Dacca.	Ra. 50,000	Ra. ...	Ra. 50,000	Ra. 50,000	Ra. ...	Ra. 50,000	
		Rebuilding the Kidderpore bridge over the Tolly's Nala.	2,50,000	...	2,50,000	2,50,000	...	2,50,000	
		Improvement of the Alaipur Khal, Khulna.	15,000	...	15,000	15,000	...	15,000	
		Purchase of one steam tug and barges as coaling plant for dredgers "Foyers" and "Alexandra".	1,00,000	...	1,00,000	1,00,000	...	1,00,000	The plant which was available formerly was taken over by the Military authorities for work in Mesopotamia and this Government got a credit of Rs. 89,000 in 1918-19.
		Partial canalisation of Tolly's Nala.	75,000	...	75,000	75,000	...	75,000	
		Widening the Madaripur Bil route.	4,56,000	...	4,56,000	4,56,000	...	4,56,000	
		Total ...	14,71,000	...	14,71,000	14,71,000	...	14,71,000	
		Provincial share ...	7,35,000	...	7,35,000	7,35,000	...	7,35,000	
		GRAND TOTAL ...	16,12,787	20,02,643	36,15,430	14,43,480	12,69,804	27,13,284	

*Revised Financial Statement.***Probable estimate of expenditure of sanitary schemes
in 1919-20.****I.—Anti-malarial work.****WORKS TO BE CARRIED OUT AT GOVERNMENT COST.**

			Rs.	Rs.
Saraswati, 24-Parganas	...	...	44,000	
Baragachia do.	...	...	40,000	
Manikhali do.	...	...	1,00,000	
Ghaghat	...	...	75,000	
				<u>2,59,000</u>

WORKS TO WHICH GOVERNMENT WILL CONTRIBUTE.

Jabuna	...	...	50,000	
Arul Bil, Jessore	...	...	11,000	
Bhairab, do.	...	...	50,000	
Amta, Howrah	...	...	1,00,000	
				<u>2,11,000</u>
Engineering surveys	...	...	...	10,000
Anti-malarial surveys	...	...	...	15,000
				<u>4,95,000</u>
Total	...	...

II.—Sanitary schemes.**(a) NON-RECURRING.**

Rajbari water-supply	...	...	4,000	
Mymensingh do.	...	...	64,000	
Midnapore do.	...	...	2,04,000	
Krishnagar do.	...	...	1,25,000	
Bankura do.	...	...	5,000	
Hudge-Budge drainage	...	...	9,500	
Kurseong do.	...	...	25,000	
Bankura town improvement	...	...	12,000	
Dacca sewerage	...	...	3,00,000	
				<u>7,48,500</u>

(b) RECURRING.

Quinine grants	...	...	50,000	
Contribution for District Health Officers	...	...	8,000	
Calcutta sewerage experiments	...	...	5,000	
Do. fringe area drainage	...	...	45,000	
Contribution for Sanitary Inspectors	...	...	12,000	
Vital statistics (special establishment)	...	...	6,700	
				<u>1,26,700</u>

GRAND TOTAL 13,70,200
or 13,70,000

RESOLUTIONS.**APPENDIX TO THE LIST OF BUSINESS—ITEM No. 1.**

The Hon'ble Mr. Phelps moved the following resolution :—

This Council recommends to the Governor in Council—that—

- (a) provision be made in the Budget for Rs. 2,00,000, or such sum as may be profitably spent, for the improvement of the medical services in the hospitals of Calcutta ;
- (b) this sum be provided for by a corresponding reduction in the estimated expenditure under the head "Civil Works in charge of the Public Works Department".

He said :—

"My Lord, in moving this resolution I desire to call attention to the item '24A Medical' on page 2 of the Amended Draft Financial Statement. So far as I can understand, it is proposed to spend Rs. 48,000 less in 1919-20 than in 1918-19, and Rs. 1,85,000 less than in 1917-18, on medical services.

It is admitted on all hands, I think, that the hospitals in Calcutta are on an imposing scale, but from personal experience and from what I hear from several quarters it would appear that these splendid hospitals are woefully under-staffed and the officers are overworked. I have had painful experience of this, and my experience is corroborated by others who are in a position to judge.

It is well known that a very large percentage of medical officers have been, and are, employed on military duty owing to the war, but it is felt some explanation is due to a patient public as to what steps are being taken to bring the cadre up to its full strength in the hospitals.

I have searched in vain for information on this point in the otherwise lucid explanations given in Part I by the Hon'ble Finance Member."

The Hon'ble Sir Henry Wheeler said :—

"My Lord, I think I can set the Hon'ble Member's mind at rest in respect of any idea that we have reduced the expenditure on Calcutta hospitals during the current year. Whatever alterations there may have been in the figures—and I have not, at the moment, traced the details to which he refers—they must be due to ordinary, what I might call, Budget corrections, made in view of the actuals of past years, for instance, or circumstances affecting the ordinary fluctuations as between year and year. There has been nothing in the nature of any general retrenchment of expenditure on the Calcutta hospitals.

In referring to the general standard of work in the Calcutta hospitals during this year, I think it is essential that we should bear in mind the overshadowing effect of the war. As we all know, our medical cadre has been particularly depleted owing to a large portion of it being put to the purpose for which it was intended, namely, that of a war reserve, and we have had to carry on the medical administration of the province, not only in Calcutta, but still more markedly in the districts, with a staff which is far below the level that would be maintained in normal times, and far below the level at which we would have maintained it, if we had had a free hand in the matter. Obviously we have not had a free hand ; we had to give way to the preponderating necessities of the war. I think, too, that in considering the question we should bear in mind the strain under which these medical officers in Calcutta have been working, and pay a tribute to the devotion to duty and the energy which alone enabled the hospitals in Calcutta to run during these years of heavy strain at the level of efficiency at which they have been kept. It must be common knowledge to all of us that the strain has told on

*Resolutions.**Mr. Cumming.*

a good many of our officers, mostly senior officers, who are working in Calcutta at the present time. Some of them are overdue for retirement, and last year we would have had a serious break-down had we not been able to give a rotation of short leave to a few. Rotation of short leave does not make for efficiency, but if we had not done this, the officers would not have been able to carry on.

Well, Sir, the Hon'ble Mr. Phelps has asked particularly when we intend to bring the hospitals in Calcutta up to their full strength. The actual facts are that at present the Medical College is short by one resident medical officer, as also is the Presidency General Hospital, while in respect of the latter institution, had the conditions been normal, it is likely that we might have taken up a request that has been pressed upon us, namely, to post a third medical officer there. We have not been able to do that as no men are available owing to our inability to get back from military duty some of our officers who are still thus engaged. We are in constant communication with the Army Department, pressing our needs upon them, but there again, we can only bow to their decision, which is come to in the light of their military requirements. So much then, for the pre-war standard. There is, of course, the general question whether the whole staff of some of the Calcutta hospitals does not require to be strengthened. I think there is a considerable reason for thinking that step to be desirable, but it is impossible to undertake it now, while our cadre is so depleted, and, again, the whole question of the Indian Medical Service and its future is being examined by the Medical Reorganization Committee which is now sitting, and until we know the result of its deliberations, it is impossible to make large proposals involving gazetted officers.

That is the position as regards gazetted officers, but in respect of the minor establishments, we have, even during the war, been not neglectful of their needs. We have had to raise the pay of nurses, and we have raised the pay of menial servants. We have tried to the best of our ability to maintain a reasonable standard of efficiency, and when we complain of slight defects and deficiencies in Calcutta, let it be remembered how much more serious the defects and deficiencies have been for those living in the mufassal, most of whom have been deprived for the last four years of any hope of the ordinary Civil Surgeon to whom they ordinarily look. Let us bear their troubles in mind, when we harp upon our own.

Sir, for these reasons, I do not think a provision of Rs. 2 lakhs is required in the Budget, and I do not propose, therefore, to accept that recommendation."

The Hon'ble Mr. Cumming said :—

"My Lord, in this resolution and in several others which are in the agenda, proposals have been made for meeting suggestions for new expenditure by diversion from Civil Works in charge of the Public Works Department. It would probably be convenient if at this stage I make a general statement regarding the financial position of the Public Works Department in reply to these suggestions for diversion. The total Budget estimate for 1919-20 is Rs. 1 crore and 13 lakhs and is in excess over that of the previous year by Rs. 28 lakhs. Some Hon'ble Members have been tempted to consider that it is a sea of gold into which they can dip their hands at will. The position in some respects is not unlike that of the grant for railways in the Imperial Budget.

Now, let me shortly show what this total for 1919-20 really means. We may exclude the small item of 'Tools and Plant' and the fixed item of 'Establishment'. There remain 'Works in Progress,' 'Repairs' and 'New Works'. To complete 'Works in Progress,' Rs. 34 lakhs are required, and no one can suggest that there is any economy in stopping such works.

*Resolutions.**Mr. Phelps ; Rai M. C. Mitra Bahadur.*

As regards 'Repairs', the grant of Rs. 32 lakhs is Rs. 3 lakhs less than the amount for which the Department has asked ; and in view of the fact that during the past three or four years there has been a minimum of expenditure on public buildings, which, though inevitable for the time being, is not economical in the long run, this sum of Rs. 32 lakhs cannot be considered excessive.

Finally, as regards 'New Works' a sum of Rs. 5 lakhs has been devoted to 'Minor Works' distributed over all the departments of Government, and there is no extravagance in this item. Under the head of 'Communications'. I made certain requests in my capacity as Member in charge of the Public Works Department, but my requests were cut down by half ; and as regards 'New Civil Works', they are the ultimate residue of a very large number of works which were examined by the Finance Committee. It may be held that the Public Works Department is after all only an adjective department and that as far as its operations are concerned, they are at the instance of, and on behalf of, all the other departments of Government. Nevertheless, in view of the statement of facts which I have given, speaking as Member in charge of the Public Works Department, I deprecate any further reduction of any of the items in the Public Works Budget."

The Hon'ble Mr. Phelps said:—

"My Lord, I beg to thank the Hon'ble Member for his very kind and elaborate explanation. I have also got to thank him for the provision—a very substantial provision—in the Revised Statement for Hospitals, although the Hon'ble Member does not see his way to accept my resolution. I thank the Hon'ble Member for the liberal provision and I am perfectly satisfied with his reply. I would now withdraw my resolution."

The resolution was then, by leave of the President, withdrawn.

APPENDIX TO THE LIST OF BUSINESS—ITEM No. 2.

The Hon'ble Rai Mahendra Chandra Mitra Bahadur moved the following resolution:—

This Council recommends to the Governor in Council—

(a) that provision be made for two lakhs of rupees for the Medical College, Calcutta, for the following purposes:—

(i) a special Out-patient Department for skin, throat, nose and ear diseases,

(ii) a Dental College,

(iii) a Physical Laboratory, and

(iv) a Materia Medica Museum, and

(b) that the expenditure be met out of the grant of 2½ lakhs of rupees provided for the scheme for the development of Kalimpong.

He said:—

"My Lord, in this connection I would refer to the letter No. 14471, dated Calcutta, the 21st September, 1918, from the Hon'ble Surgeon-General with the Government of Bengal to the Secretary to the Government of Bengal, Financial (Medical) Department, published in the annual report of the Medical College, Calcutta, for the session 1917-18.

With these few words, I move this resolution for the acceptance of your Excellency's Council."

*Resolutions.**Sir H. Wheeler ; Mr. Cumming.***The Hon'ble Sir Henry Wheeler** said :—

"My Lord, on the merits of the four schemes on which the Hon'ble Member would like to see money spent, there is no disagreement, and obviously that will be so, as I think he has taken them from the annual report of the head of the institution, and the advice that Colonel Calvert gives us as to the improvement of the Medical College is more likely than not to be sound. All these projects figure in our papers as desirable works. Also, among the list there is that which is the subject of the third resolution, and which is equally desirable. A special out-patient department for skin, throat, nose and ear diseases is undoubtedly wanted, and a dental college is a need of Calcutta at the moment. Unfortunately these schemes are terribly expensive, and, as an example, I may mention that in a project for a dental college which was sent up to us not long ago, we had an item of Rs. 4,71,000 for the acquisition of land alone, and apart from the cost of buildings, which has not yet been estimated, we had items of Rs. 37,000 for equipment, Rs. 7,800 for furniture and Rs. 33,000 for establishment. It will thus be seen that these works, eminently desirable as they are, do entail a great deal of money. The physical laboratory and a *materia medica* museum would, I believe, be most useful, but they have not yet attained even the dignity of an outline scheme. All these works we should like to see accomplished, and the reason why we have not been able to insert them in the Budget is that we have given preference to matters connected with the Medical College which we thought even more urgent. These are briefly, the improvement of the nurses' quarters, which is a most necessary work, because, on the provision of accommodation for more nurses depends all these subsequent developments and enlargements of the institution. They will call for more nurses, and if there are more nurses, there must be somewhere to put them, so that work really stands on the threshold of all these subsidiary projects. Secondly, after consideration in the Finance Committee, we decided to make a beginning with the Eye Hospital, and the provision in the Budget is only a beginning. This is a very large and expensive scheme which has been hanging fire for many years, and which I am assured by Colonel Maynard is a most crying need. Apart from that, let it not be overlooked that in this year and in the ensuing year we have spent, and shall spend, some Rs. 8 lakhs on the acquisition of land near the Medical College for future extensions. That is a very heavy bill, and in the light of it, it cannot rightly be said that we have not recognized the needs of the Medical College. When the large new avenue was being put through by the Improvement Trust to the west of the College, thus clearing frontage sites which would serve as an excellent boundary to the College on that side, we thought it would be folly to let the chance slip through our fingers, and we took up this land even at a very high cost. We now have room for expansion and it will be a matter of carrying out these different works in an orderly programme as our funds permit. I can assure the Hon'ble Member that we have not overlooked them, but our feeling is that we must consider other demands upon us, and, compatibly with them, it is not possible to spend more money this year on medical institutions in Calcutta. We have done more than we have been able to do for several years past, while we have also got to remember that there are the needs of the districts, and that it is a complaint which we have heard in the past, not altogether without justification, that, in proportion, more money is spent on medical institutions in Calcutta than on those in the *muffasal*. Therefore, Sir, I do not see my way to accept this resolution."

The Hon'ble Mr. Cumming said :—

"My Lord, in view of what the Hon'ble Sir Henry Wheeler has said, it is hardly necessary for me to make any remarks on the second item, namely,

*Resolutions.**Rai M. C. Mitra Bahadur ; Sir N. Sarkar.*

that provision be made by a corresponding reduction in the estimated expenditure under the head 'Civil Works in charge of the Public Works Department'; but, as this appears in the agenda, I may simply inform the Council that Government are already committed to the expenditure, and, in the second place, that the project will be a remunerative one."

The Hon'ble Rai Mahendra Chandra Mitra Bahadur said :—

"My Lord, I am thankful to the Hon'ble Members for explaining the situation. I am also thankful to get the information from them that Government has full sympathy with the resolution which I have had the honour to move before the Council, that it is desirable that these improvements should be taken up, and that Government has spent and is spending large sums of money over the improvement of medical institutions is a matter of gratification to me; but it will be for your Lordship to consider whether the improvements which have been suggested in my resolution demand the immediate attention of the Government. If it be said that these matters may stand over for some time longer, I have nothing to say on the subject, and, therefore, I think it necessary, after the explanations given by the Hon'ble Sir Henry Wheeler and the Hon'ble Mr. Cumming, that I should withdraw the resolution."

The resolution was then, by leave of the President, withdrawn.

APPENDIX TO THE LIST OF BUSINESS—ITEM No. 3.

The Hon'ble Sir Nilratan Sarkar moved the following resolution :—

This Council recommends to the Governor in Council—

- (a) that a sum of Rs. 1,00,000 non-recurring and Rs. 20,000 recurring be allotted for the extension of the Eden Hospital and for starting an Extern Maternity in connection with the same; and
- (b) that the non-recurring expenditure be met out of the sum of Rs. 33,80,000 provided for works in progress (Civil Works in charge of Public Works Department), and the recurring expenditure be met out of the sum of Rs. 2,00,000 provided as General Reserve for unforeseen requirements.

He said—

"My Lord, I would have been the last person to move this resolution if I had not felt that the proposal contained in it was for some unforeseen requirements of an extremely urgent character. The Eden Hospital is the only hospital for clinical training in obstetrics for the students of the Medical College, Calcutta. The number of beds that are available for the purpose of such training are 16 and the number of admissions to such beds in the course of a year comes up to about 600 or a little over. Out of these 600 cases the students generally get about 400, the other 200 being allotted to the clinical teaching of the *dahis* and nurses. It would thus appear that these 400 patients have to be utilized for the training of about 180 students, 150 of whom are the University students, 20 military students and about 10 lady students, on an average. The average number of patients allotted to each student thus comes up to 2·2, while the University requirement is a minimum number of 6 patients to each student. It would thus appear that the number of patients in the Eden Hospital is inadequate to meet the

*Resolutions.**Sir N. Sarkar.*

requirements of clinical teaching and that extension is necessary in the interests of the students. This has become particularly so on account of certain developments in which our students—I mean the local medical graduates—are about to lose some privileges in Great Britain and elsewhere which they had been enjoying for some time past, on account of inadequacy of training in this particular subject of obstetrics.

I have said something about the needs of the students, and I may be permitted to devote a few minutes to discuss the needs of the carrying-women in Calcutta. The number of women in Calcutta of the child-bearing age comes to about 108,000. The number of births registered annually comes up to about 18,000. About 1,600 of such confinements take place in hospitals and the remaining 16,400 outside hospitals. Probably 50 *per cent.* or about 8,000 of these women go without any help or they can get only the help which is worse than any help—the help of ignorant *dahis*. The infant mortality in this city during the first week of delivery comes to about 33 *per cent.* There is no organization for treatment in pre-puerperal or post-puerperal state.

It would appear from the facts that I have already given that the average stay of a patient in the Eden Hospital cannot be more than 9 days, which means that many of those patients are admitted into the hospital already in a certain stage of labour, and they stay there for a week or a little over, and then discharged. In this country, my Lord, it is generally held that 4 weeks would be the proper time for which a woman should receive treatment in confinement. The higher authorities everywhere hold that a woman in a delicate condition should receive proper treatment for 4 weeks before and 6 weeks after labour. If we compare the state of things in Calcutta with those prevailing in Madras, we find that in the Medical College Hospital there a fairly good number of patients in delicate condition are kept for a certain period during which they are well fed, well taken care of, and in proper time they receive proper help. On the other hand, we have here in Calcutta only 16 beds for about 600 patients, and the average stay is only 9 days. Some of the patients in the most delicate condition have to incur the odium of overcrowding the wards on extrabeds or even on the floor; and they have to do that in preference to leaving the hospital unattended. There is no question about the need of extension from the point of view of patients also.

One word, my Lord, about the need of the extension from the point of view of professors and teachers. Every teacher in the medical line thinks of enlarging the bounds of his knowledge by observations and at the present moment prenatal physiology and prenatal pathology have become extremely interesting subjects of study. There is no opportunity for our professors and demonstrators to make such study in the Eden Hospital.

Looking at the matter whether from the point of view of the pupil, the professor, or the patient, the need appears to be urgent. I know there are difficulties. I know also that one ward accommodating another 16 beds could not solve the difficulty, but it would give relief to another 600 women and that is a good deal. My resolution seeks to give relief to a larger number of patients by the introduction of a system of an Extern Maternity in connection with the Eden Hospital. I am extremely happy to find that the Calcutta Corporation has realized the necessity of such a step and have already made some progress in this direction. The Extern Maternity that I propose is somewhat of a modified form of the maternity that has been introduced by the Calcutta Corporation. With the Eden Hospital as the centre, a maternity may be organized with a presiding officer, say of the rank of an assistant surgeon, who will always be present in the hospital, with 2 or 3 nurses and *dahis* and a number of students and who would be always available

*Resolutions.**Sir H. Wheeler.*

for helping such patients. I know there is a misapprehension in some quarters that this help would not be availed of on account of the prejudices in the minds of our women. It is held in certain quarters, and I believe without sufficient justification, that many of our women would prefer death to being treated on such occasions. I claim to know something of our women in Bengal, particularly of the Hindu community, and in my experience I have never met with a case in which a woman has refused to be treated under such circumstances when treatment was necessary for her; and my assertion would be borne out by the fact that at the present moment there are about a dozen of practitioners who practise in this line, and in this line alone, some of whom have turned to be specialists of the highest order. The increasing number of patients in the Eden Hospital which has made it necessary for the Campbell and Belgachia Hospitals to admit labour cases also supports my view that there is a great demand for such help. I have no doubt that if an Extern Maternity be organized with the Eden Hospital as the centre, our women folk would avail themselves of the help and it would be also of great benefit to the students who will be able to profit by the clinical experience gained there.

I believe, my Lord, that I am not justified in trying to enforce upon the Hon'ble the Finance Member a resolution like this, particularly after the decisions in the Finance Committee. But my plea is this: that it is one of the unforeseen requirements for which provision has been made to the extent of Rs. 2,00,000, and as regards the capital expenditure I have just nervously proposed to utilize a portion of the Rs. 33,80,000 which is reserved for works in progress. So far as I understand, all these works are not likely to be finished within the course of the next year and, I believe, if Government will graciously accept this resolution there will not be much difficulty about spending this small sum for meeting the very urgent needs that I have pointed out.

With these few words I beg to commend the resolution for the acceptance of the Council."

The Hon'ble Sir Henry Wheeler said :—

"My Lord, the general line of answer to which I would refer the Hon'ble Member is that which I have just followed in connection with the previous resolution, and I would ask him to take those arguments in the main, without their repetition by me, viz., that we are already spending heavily on these Calcutta institutions, and in fact, up to the limit to which in the current Budget we think we are justified in going. Two points have a particular bearing on this question of the Eden Hospital, viz., preliminary provision for the accommodation of more nurses—obviously nursing plays an important part in cases of this kind—and the acquisition of land, part of which is specifically designed for this extension of the Eden Hospital. As to the merits of this project I am in full sympathy, and in fact, I have here before me notes outlining the very urgent needs of this hospital to the extent roughly of 2 wards with 20 beds in each, 10 more private rooms, a new out-patient block for the diseases of women, and accommodation for private rooms for nurses, surgeons, clerks, servants' quarters and out-patients. So we are perfectly conscious of the need, and I am also aware that the wards are overcrowded. Indeed, I am told that the Calcutta University Commission are likely to refer to that fact. Therefore, I do recognize this scheme as one of the most pressing wants, and when we get through with those works which we have in hand, I should *prima facie* be inclined to put this Eden Hospital extension as the next scheme to be undertaken. That may not be pleasant to the Hon'ble Rai Mahendra Chandra Mitra Bahadur since it does not figure in his list, but it is essential to bring people into the world under as healthy conditions as possible, and we may well give a high place to this work in

*Resolutions.**Sir N. Sarkar ; Rai M. C. Mitra Bahadur.*

anything connected with the medical improvement of the country. But, Sir, we do not see our way to make this addition to the present Budget, and there is another point of practical difficulty. At the present moment the Public Works Department is depleted in its staff, like every other department, and I understand that with the projects which we contemplate in the Budget they will have their hands full, if not more than full, during the coming year. But I can assure the Hon'ble Member that I will see that all the requisite preliminaries of plans and estimates to the best of our ability are pressed on, and that if I find any opportunity during the year of beginning this work, we will seize it.

As regards his suggestion for an extern maternity work, which I understand is on the lines followed in hospitals in London, where students attend outside cases, thereby helping the patient and gaining experience themselves, the idea, in connection with the Eden Hospital, is new to me, and I am glad to hear from Sir Nilratan Sarkar that he does not think that prejudices will stand in its way very much. *Prima facie* I should have anticipated obstacles of that kind, but I am quite willing to refer the suggestion to the Superintendent, and if anything can be done on those lines, to try it. But the expenditure involved in this respect would scarcely be heavy, even if there would be any addition at all ; anyhow, it would not be more than we can find funds for. But regarding the major project of the building scheme, our attitude will be that of pushing on the preliminaries with a view to undertaking it at the first opportunity that presents itself, although we cannot now promise when that opportunity will arise."

The Hon'ble Sir Nilratan Sarkar said :—

"My Lord, having regard to the sympathetic attitude of the Hon'ble the Finance Member, I would ask permission to withdraw the resolution."

The resolution was then, by leave of the President, withdrawn.

APPENDIX TO THE LIST OF BUSINESS—ITEM No. 4.

The Hon'ble Rai Mahendra Chandra Mitra Bahadur moved the following resolution :—

This Council recommends to the Governor in Council—

- (a) that provision be made for four lakhs of rupees in the Budget Estimates for 1919-20 for Famine Relief for Bankura and other districts ; and
- (b) that the charge for the Provincial share be met from the General Reserve Fund of rupees two lakhs under the head 32—Miscellaneous for unforeseen requirements.

He said :—

" My Lord, I had not the opportunity of receiving the Revised Statement which has been subsequently brought to the notice of the Council ; the reason which led me to bring this resolution to the notice of this Council was that I felt strongly as to the distress prevailing in Bankura. Being one of the representatives of the Burdwan Division I thought it my duty to bring it to the notice of Government and that was the reason which led me to place the resolution for the consideration of the Council. It is a great pleasure to me to read the Revised Statement and to find that a provision of Rs. 50,000 has been made out of the Rs. 2,00,000—Imperial Revenue is to be one of the component parts. My Lord, it is a gratification that Imperial Revenue is to be one small

*Resolutions.**Maulvi A. K. Fazl-ul-Haq.*

provision has been made. I have great doubts whether Rs. 50,000 will be sufficient for the purpose, but I shall not venture any discussion on the subject. I ought to be satisfied now with the provision that has been made, and therefore, My Lord, with your Excellency's permission, I would withdraw the resolution."

The resolution was then, by leave of the President, withdrawn.

APPENDIX TO THE LIST OF BUSINESS—ITEM No. 5.

The Hon'ble Maulvi A. K. Fazl-ul-Haq moved the following resolution :—

This Council recommends to the Governor in Council—

- (a) that a lump-provision of Rs. 3 lakhs be made for famine relief operations in Bankura ; and
- (b) that the money required be provided for—
 - (i) by curtailing the expenditure by Rs. 1 lakh under Agriculture 26A—Co-operative Credit (reducing the Budget allotment from Rs. 3,46,000 to Rs. 2,46,000) ;
 - (ii) by curtailing expenditure under Sanitation 24B (reducing the Budget allotment under the sub-head "Sanitation and Vaccination Establishment" by Rs. 1 lakh) ; and
 - (iii) by allotting Rs. 1 lakh from the lump-provision of Rs. 2 lakhs for unforeseen requirements (Misc.—32).

He said :—

"My Lord, the resolution about which I have given notice deals with the subject of making some provision in the Budget for the relief of distress in the district of Bankura, and if I may now add 'in some other places in this Presidency'. I would not have pressed this resolution but for the fact that in my humble opinion the provision that has been made is grossly inadequate. The reports that we have received during the last few days from Bankura and certain parts of the Tippera district point to the very widespread scarcity that has been prevailing in those parts for some time past, and which threatens to turn into a very widespread famine unless precautions are taken at once and in an adequate measure. Rupees 50,000 would hardly be a sufficient contribution towards the money which would be requisite. Even with the Imperial contribution of Rs. 1½ lakh it would mean only Rs. 2 lakhs and I need hardly take up the time of the Council by trying to emphasize the fact that a sum of Rs. 2 lakhs is hardly sufficient to cope with the immensity of the work which officers on relief duty will have to face. I, therefore, press this resolution, although I do so with some regret. The question arises as to where the money, which I have proposed should be set apart, is to be got. I propose that the Provincial share should be Rs. 3 lakhs, and the balance should be got from the Imperial grant. Rupees 10 or Rs. 12 lakhs would, therefore, be at the disposal of your Excellency's Government, and it would be in some respects a tolerably good contribution towards the funds for the relief of distress. The suggestion that I have made refers to two of the departments of Government as to which there has been an impression that there ought to be as much grant as possible from Provincial revenues. As regards the Department of Co-operative Credit Societies which appeals so much to popular fancy, and which has received the benediction of the highest in the land on several occasions, and is daily praised by officials and non-officials, I might perhaps be accused of being a

*Resolutions.**Maulvi A. K. Faal-ul-Haq.*

heretic for standing up in this Council to propose that there should be a curtailment of the Budget allotment on this head. I consider it my duty to point out that although this department is one of the most important of which the Government has got to take charge, there is still a limit to the extent to which public money should be spent on this department, and there are occasions when one has got to point out that these Government grants will not only do no good, but may be instrumental in doing positive harm and mischief. My Lord, I do not know if many of my colleagues are aware of the fact that I was connected with the working of this department some years ago, and at the time when this movement had to be guided through the struggles of early infancy. It was in those days that in consequence of the agitation over the Partition of Bengal, anything that was being proposed by Government was regarded as ban and anathema by the people. They used to think that every movement started by Government carried with it a sort of insidious desire to decoy people into unknown regions where they might be landed in some unforeseen difficulties. In those days there was one Registrar only, Mr. K. C. De, who is now the Commissioner of the Chittagong Division, and he had only two gazetted assistants and half-a-dozen Inspectors, and every time the Registrar went up to Government for financial help, he was told that this was a movement which ought to grow up spontaneously, and that it should not be forced on the people, as if it were an exotic growth on an uncongenial soil. We were also told, on the authority of no less a man than Mr. Woolfe, who is justly regarded as one of the highest authorities, not merely in England, but also on the continent and America, about the inadvisability of officialising a popular movement like this. I, therefore, submit that although Government ought to contribute towards this department in order to help the growth of this movement, Government should also take care that in course of time it does not become an official department like the other departments which your Excellency's Government has got to control. I find from the Budget estimates that the allotment this year exceeds by a little over a lakh of rupees the actual expenditure that has been incurred within nine months, and on that basis the actual expenditure which will be credited to this department by the end of this month will be a lakh and-a-half of rupees more than last year's expenses. The plain question is whether there is any necessity for increasing the Budget allotment by so large an amount, even conceding that the movement has been making progress and some Government help is necessary.

Now, my Lord, I looked up the figures and I find that there are at the present moment something like 52 central banks, and agricultural societies numbering a little over 3,300. For the control, and if I may say so, for the guidance of these societies it is proposed to give the Registrar not merely a Personal Assistant but four Joint Registrars on so high a salary as Rs. 500 and Rs. 400 a month, *plus* Rs. 100 local allowance, one Chief Auditor, 42 Inspectors and 2 Additional Inspectors. This means that the staff is going to be increased by 20 Inspectors and two Additional Inspectors, although the increase in the number of societies is not to be more than 300 in all. I would not have grudged this expenditure but for the fact that this large army of officials going about the country would naturally place the people in a position from which they will gradually lapse into a condition of lethargy and indolence. Why should this large army of officers be required? Hon'ble Members may not be aware, because one who has not actually been in touch with the working of the department, is not in a position to know that the work of these officers in the co-operative department is not of a very exacting character. The societies are situated somewhere in the interior of the district; the Inspector or the Joint Registrar or any other high officer of the department goes there and sends for the Chairman of the society, a few members may

*Resolutions.**Maulvi A. K. Fazl-ul-Haq.*

appear and he enquires of them whether there has been any defalcation or embezzlement. The actual auditing does not take more than twenty minutes even in the biggest societies that now exist. That is not the sort of work which puts any strain either on the physical or mental capacity of these officers. There are Government servants who are four times as hard-worked who have not got this local allowance of Rs. 100 nor have they got the privilege of seeing their services mentioned in eulogistic terms every year in Government resolutions. My own impression is that the advance in this movement has not been so great or so marked as to necessitate an extra expenditure of a lakh and more which it is proposed to place at the disposal of the department. The extra expenditure will entail an allotment of over Rs. 60,000. Then, I find there is provision for temporary establishment costing over Rs. 15,000. There is then a lump-provision for additional establishment costing over Rs. 32,000, and office expenditure under head 'Miscellaneous Works' works out to Rs. 15,000. I submit, my Lord, that going over the question very carefully I do not find any sufficient justification for all the big provision that is going to be made for this department. There is another item which has called for lengthy changes costing over Rs. 9,000. I do not understand the utility of that lengthy change; at any rate Rs. 9,000 is a very big figure. I, therefore, think that instead of spending this money in this way it might be more usefully spent in alleviating the distress and discharging one of the highest and most humanitarian duties of which mankind can be capable.

On the second head, I have referred to 'Sanitation' under head 24-B. This is another department about which it would be blasphemous to say anything except in praise, but if I venture to make one or two remarks it is only with a view to point out that there are some allotments under this head, the money for which might be more usefully employed in affording relief to famine-stricken people; I hope I shall be excused. There is a provision relating to the hookworm disease of Rs. 75,000; then there is a lump-provision of Rs. 10,000 for the Publicity Bureau; then there is a provision of Rs. 25,000 for investigating the cause of river pollution. So far as some of these works are concerned I do not know, at least the necessity of investigating the causes of hookworm disease as I am not a medical man, but I know the disease is somewhat prevalent amongst the people of this country; this is a kind of disease whose germs flourish very much in tropical countries, and if we find it prevalent in this country we may be sure that it is owing to our people living amongst the most insanitary surroundings which tend to develop the disease. I do not know how this money is to be spent for investigation; at any rate I consider it a high figure for an investigation of this kind. Then there is Rs. 10,000 for the Publicity Bureau. That figure seems to me to be very high, because, so far as the dissemination of news is concerned, it can be done through the vernacular newspapers, and for which no Publicity Bureau is necessary. Then, about the question 'of river pollution' I do not understand the problems nor appreciate the money spent over it, but even admitting that this Rs. 10,000 is necessary, I would suggest that the money be found from the lump-provision under head 'Sanitation' of Rs. 13,17,000, of which, by the way, we have not been given any details, but I think that this Rs. 1,10,000 can very well be got out of that lump-provision. All things considered, that sum might easily be set apart from allotments made under the head 'Sanitation.'

Lastly, there is a reference to unforeseen charges. There again, I submit that a lakh of rupees can easily be set apart for these purposes. My Lord, on these grounds I beg to propose that over and above the allotment that has already been made, viz., Rs. 50,000, another allotment of about 3 lakhs of rupees ought to be made under the head 'Famine Relief' and that the money be found by curtailing expenditure under the heads 'Co-operative Societies,' 'Sanitation' and 'Unforeseen Charges'. Before I sit down I do not wish to say

*Resolutions.**Mr. Cumming.*

that the expenditure of the Co-operative Societies is as a rule very much more than its normal requirements. What I mean to say is that the expenditure might be kept for the present within the limits which appeared to have been sufficient for the work during the last year. I only object to the extra expenditure for which I see no warrant."

The Hon'ble Mr. Cumming said :—

"Sir, the substantive part of the Hon'ble Member's resolution is that a sum of half-a-lakh which he understands is devoted to famine relief is not sufficient. It may be pointed out that his resolution refers only to one district, Bankura; and I suggest that he went beyond the bounds of his resolution in discussing areas in which scarcity is likely or imminent. He should have spoken on the previous resolution of the Hon'ble Rai Mahendra Chandra Mitra Bahadur, which was a general resolution. However, I may point out that had I spoken on that resolution, I would have been quite prepared to place the Council in possession of the facts regarding famine relief regarding which both Hon'ble Members appear to be under a misapprehension; but before doing so now, I think it is only right to point out that the Hon'ble Member who has spoken has devoted a disproportionate part of his time to the discussion of defects which, he alleges, exist in the existing co-operative organization.

I proceed to the substantive part of his resolution. It is not a fact that only Rs. $\frac{1}{2}$ lakh has been given. The total sum placed under the head '33—Famine Relief' is Rs. 2 lakhs altogether, because one and-a-half lakh is obtained from Imperial sources and half-a-lakh is derived from Provincial sources. Practically the whole of that will be devoted to Bankura. A sum of Rs. 75,000 also appears in our Budget under another head and is available for gratuitous relief; and for the present it is ear-marked for the other area, Brahmanberia, to which the Hon'ble Member drew attention. Both Hon'ble Members who have spoken have entirely overlooked the fact that in famine relief organization there is, to use the language of the United Provinces Government, 'a recognized prophylactic', the free and liberal distribution of agricultural loans. For both areas during the present year I have placed at the disposal of the District Officers more money than they have been able to distribute so far; and for the forthcoming year, we have entered no less than Rs. 6 lakhs in the Loans Budget. Originally the amount estimated was Rs. 4 lakhs, and that has been increased to Rs. 6 lakhs; and if operations are extended and we require more, more will be obtained; but the sums which have been allotted for relief work, gratuitous relief and agricultural loans in the ensuing year will not bear unfavourable comparison with the amount spent in the previous years for which we have records of distress in these two areas. If we are fortunate enough to have a good monsoon in the present year, I foretell that by October next in both areas there will be no further necessity for any special expenditure by the State. We should not overlook the fact that in both areas the District Boards are expected to do something, and I think we are entitled to call upon them to do something. So much, Sir, for the substantive part of the resolution.

As regards the excessive expenditure in the co-operative credit movement to which the Hon'ble Member has taken exception, he no doubt is a practised advocate and can argue on both sides of any question. I have heard him accusing Government for its laxity in not spending more on this movement. As regards the head 'Sanitation' the Hon'ble Maharajadhiraja Bahadur will deal with that point. I propose to visit shortly the two areas in question. I have refrained from doing so hitherto in order that the situation might sufficiently develop. The Hon'ble Members will realize that after many years of experience of famine conditions, not only in Bengal, but in other Provinces, I am not likely to be lax in seeing that Government do their duty."

*Resolutions.**Babu S. N. Ray ; Mr. P. C. Mitter.***The Hon'ble Babu Surendra Nath Ray said :—**

"My Lord, I am sorry I have to oppose that part of my hon'ble friend's resolution which seeks to curtail expenditure under 'Sanitation—24B' (reducing the Budget allotment under the sub-head 'Sanitation and Vaccination Establishment' by Re. 1 lakh). As a member of the Sanitary Board I have seen the work which has been done and also as a member of the Malaria Sub-Committee I have seen the work which is now being done by that Sub-Committee. Hitherto our grievance has been, at least for the last two or three years, that Government have not allotted a sufficient sum for 'Sanitation', but this year a decent sum has been set apart by Government for sanitation—Rs. 13,00,000—that will meet some of our crying needs. Having got that sum allotted for sanitation we now say that a sum of Re. 1 lakh ought to be curtailed and spent for other purposes.

Then, as regards the hookworm disease, it is well known that it is prevalent in damp places, in mining districts and in tea gardens. In fact, it came as news to us when we heard for the first time from some of the experts that nearly 80 *per cent.* of the people of these localities were infected with the disease. Your Lordship was pleased to convene a meeting of the representatives of the mining districts and tea gardens here, and we all here heard your Excellency's speech and also what the other gentlemen, some of them experts, had to say on the subject. It is necessary, we all thought, that a sufficient sum of money should be set apart to tackle this question, and it is better to spend money, not in dribblets, but in a lump-sum, so that we shall be in a position to exterminate the disease, root and branch, from the infected localities. My friend says that it is much better that we should spend money in feeding people; that is no doubt a very good thing, but can you say that simply by feeding people you guard against this hookworm disease? I was told just now by a friend of mine that it is just like building a house at a very large expense in order to prevent the house from catching fire. We may spend any amount of money, but if there is a fire near by, the house is sure to catch fire. So we must spend sufficient money to try to exterminate this disease, especially in mining districts, and in those tea garden areas and also in damp places where it is prevalent. The purpose of my hon'ble friend is no doubt very good—he wants Rs. 3 lakhs for famine relief operations in Bankura. Government will provide a sufficient sum of money for famine relief, but I am bound to say that this provision ought not to be made by curtailing expenditure on sanitation."

The Hon'ble Mr. P. C. Mitter said :—

"My Lord, I do not really know whether my hon'ble friend Maulvi A. K. Fazl-ul-Haq, is serious. So far as I remember, last year about the Budget time I moved a resolution for allotting Rs. 50,000 for improvement of co-operative societies, and so far as I remember the then Hon'ble Member in charge, Mr. Beatson Bell, opposed my motion. That motion was put to vote, and if I remember aright, my hon'ble friend, Maulvi Fazl-ul-Haq, voted with me. Since then and in spite of the opposition of the Government the motion was passed and Government, to give effect to that resolution, provided Rs. 12,000 last year, because no complete scheme was ready then. This year as that resolution had already been passed by the Council I brought it to the notice of the members of the Finance Committee and the Finance Committee came to the conclusion that the balance of Rs. 38,000 should be provided. Last year when my hon'ble friend voted with me perhaps he was not a great disbeliever in the benefits which our people derive from the co-operative movement. I do not know what is the real reason which makes him change his opinion. Perhaps my hon'ble friend's reason is that whatever the Government does must be opposed irrespective of any consideration as to

*Resolutions.**Maharajadhiraja Bahadur of Burdwan.*

whether such opposition is detrimental or beneficial to the interests of his countrymen whom he professes to represent in this Council. If that be the reason then his position is explained:—when I was against Government my hon'ble friend was with me and now that the Government is giving effect to the resolution which was passed with his support he is consistent in his principle of opposing the Government. My Lord, I should have thought that of all persons my hon'ble friend who was connected with this department for some time as a member of the Provincial Civil Service and who is presumably conversant with the rural areas knew what great benefits this department could confer upon the poorer section of my countrymen. I should have thought that my hon'ble friend knows that although a large sum like one and-a-half crore is now invested in agricultural credit loans, not even 5 per cent. are the members of the co-operative societies. I should have thought that my hon'ble friend knows that in jute alone the raiyats of Bengal lose 28 crores of rupees through middlemen. My Lord, I do not desire to deal with this question further, but my hon'ble friend's opinion is so contrary to all opinions—Indian or European—that I can hardly think that my friend is serious especially after his vote last year in favour of extension of co-operative movement.

My Lord, his second point of attack is 'Sanitation.' For years past educated Indians have been urging that Government were not spending enough on sanitation. Only the other day I was reading in the papers of a slight breeze between the Hon'ble Mr. Ironside and the Hon'ble Babu Surendra Nath Banerji. If that debate had taken place a few days later Mr. Ironside could use Mr. Hughe's speech as a very effective weapon against Mr. Banerji.

But here again I hardly think my hon'ble friend is serious. His position seems to be that whatever Government do must be attacked. About sanitation we all know that 71 persons out of every 100 in Bengal die before they attain the age 30, 85 per cent. die before 40 and 93 persons out of 100 die before they reach 50. In view of this deplorable state of public health, can any one who represents the public in this Council urge the curtailment of provision made for expenditure on sanitation? I do hope, my Lord, that my hon'ble friend is not serious and that he will yet see his way to withdraw the resolution and withdraw his remarks opposing spending money on sanitation and co-operative societies."

The Hon'ble Maharajadhiraja Bahadur of Burdwan said :—

"My Lord, I have to get up to defend the provisions that have been made under the head of 'Sanitation' by the department under me. Already the Hon'ble Babu Surendra Nath Ray and the Hon'ble Mr. P. C. Mitter have spoken on the necessity of the provision made by the Government under head 'Sanitation', and it is not my desire therefore to make a further defence of any provision under the head of 'Sanitation' generally, but to point out to the hon'ble mover of this resolution that when he made those remarks about the provision which we have made under the head 'Sanitation', he evidently did not take the trouble to study the question carefully. I think pages 75, 76 and 83 of the amended draft Financial Statement make amply clear all the various important schemes that we have to take up and propose to take up in this connection, and hope to try and start within the year under Budget. I think his memory is particularly short regarding the discussion that took place in this Council in connection with river pollution, and it was because although I was not able to meet the requirements of the Hon'ble Rai Mahendra Chandra Mitra Bahadur at the time that I promised on behalf of Government to go into the question of river pollution that this provision has been made. If we turn to the figure for the amount provided for enquiry

*Resolutions.**Sir R. N. Mookerjee ; Kumar Shib Shekhareswar Ray.*

into the hookworm disease, the survey regarding the havoc played by kala-azar and other matters connected with the prevention of disease in Bengal, it will be seen that in view of the well-established fact that these different diseases are playing such havoc on the public health of Bengal that the provisions really are very modest.

He perhaps might attack us on the question of the establishment of the Publicity Bureau. Here again, what I have to bring forward is that in every country, in every civilised country, it has been thought necessary to educate the public mind through such a medium and we are only following the lead given in other countries in a matter of this nature. Therefore here again if we look at the provision and if we look at column 9 of the remarks on page 76 where this provision occurs, we will find that the provision is really a very modest one. I do not think, Sir, that any very strong case has been made out by the hon'ble mover of this resolution. He brings it in first of all with a pleading for the famine-stricken people of Bankura with whom I am personally concerned. Then he attacks the co-operative movement with which I have no concern directly, but regarding the question of sanitation all I can say is that the amount that we have provided under the different heads is the minimum amount that we could possibly have provided and that it would not be possible to reduce it further, and I therefore strongly oppose any amount being taken from the head of Sanitation for the purposes which the Hon'ble Member has in view."

The Hon'ble Sir R. N. Mookerjee said :—

"My Lord, I have listened to the debate with great attention. There is one important point which I think has not been touched upon, viz., the direct effect of the improvement of sanitation on the economic condition of the masses. It is amazing to me that our political leaders, who either in this Council room or on outside platforms always advocate the improvement of the condition of the masses and the development of industry should take up such a position and ask for a curtailment in the expenditure on sanitation. It is true that Indian labour is apparently very cheap, but it is also true that we cannot compete with foreign labour. The reason is that Indian labour is generally inefficient owing to their bad health. Your Excellency has very prominently brought to the notice of the public the bad effect of the hookworm disease on our labour. It has been satisfactorily proved in the investigation by the Industrial Commission that hookworm disease renders our labour inefficient. Although we generally pay only four to eight annas a day per head as compared with two to three shillings a day in Europe, still the quality and quantity of work of our cheap labour is from $\frac{1}{4}$ th to $\frac{1}{5}$ th to that of foreign labour. The reason for this is the inefficiency of our labour chiefly owing to bad health from hookworm disease. It is indeed amazing to me that a member like my friend Mr. Haq who takes so much interest in the general welfare of the country should come forward and ask for a reduction of grant under the head of 'Sanitation' and to divert it to Famine Relief Fund. The object of my friend's resolution is undoubtedly very noble, but we know from past experience that whenever there has been a famine, Government has always come forward to save the lives of the people and we therefore need not and should not ask Government to reduce expenditure on sanitation to save money for famine relief."

The Hon'ble Kumar Shib Shekhareswar Ray said :—

"My Lord, I do not accuse the hon'ble mover of the resolution of opposing the Government for the sake of opposing them, as my friend the Hon'ble Mr. Mitter has done. In fact, I have the greatest regard for him as our political leader, and a more unselfish and devoted patriot is hard to get in the

*Resolutions.**Maulvi A. K. Fazl-ul-Haq.*

whole of the presidency of Bengal. But I must oppose the resolution. Perhaps my hon'ble friend, when he sent in notice of this resolution, did not know that a sum of Rs. 2,00,000 was to be spent on famine relief, but it is now a fact and so in a way, out of my hon'ble friend's demand for lakhs, 2 lakhs have already been allotted for famine relief and for the remaining 1 lakh he can certainly depend on the Government, and should a necessity arise the Government would not be so irresponsible and callous as not to come forward with the necessary contribution from the Unforeseen head. The hon'ble mover wants to curtail the expenditure on Co-operative Movement and also on Sanitation and in doing this he apparently overlooks the fact that it is by the diffusion of the principles of co-operation and proper sanitary arrangements that we hope to fight famines in future. It is therefore that every pie spent on co-operation and sanitation is an investment which would in times of real necessity repay hundredfold. My friend remarks that the work of auditing accounts is an easy job, but, my Lord, I think it otherwise. I am connected with two or three rural banks—of course they are not co-operative banks—and I know that it took two weeks for an auditor to audit their accounts and we had to pay Rs. 150 for each of them. I therefore object to any curtailment of the budgeted amounts on Co-operative Movement and Sanitation."

The Hon'ble Maulvi A. K. Fazl-ul-Haq said :—

My Lord, I find from the discussion that if I carry this resolution to a division I will find very few supporters, but having been responsible for having made two suggestions at any rate, which have brought down on my devoted head remarks from the other side of this House, I do not think I can with justice to myself make a precipitous retreat without saying a word or two by way of personal explanation.

It has been remarked that I have been labouring under a misapprehension as regards this point, but I also beg respectfully to point out to Hon'ble Members who have accused me of carelessness, if nothing worse, that they have misunderstood not merely the purpose of the resolution but what I submitted for the consideration of this Council when I moved this resolution. It was never my intention, so far as the Co-operative Societies Department is concerned, that the expenditure should be curtailed below what experience has taught us to be the normal requirements of the department, but what I suggested was that the increased allotment that now figured in the Budget estimates should be deleted, and this money be utilised for a very exceptional purpose—a purpose not merely exceptional but of the utmost urgency, and regard for which should take precedence of our anxiety to help the administration in other matters. I simply suggested that the extra staff that it is proposed to place at the disposal of the Registrar is not necessary and therefore that expenditure might very profitably be postponed for one year more.

My hon'ble friend, Kumar Shib Shekhareswar Ray, has pointed out that I was not quite correct when I said that it required only a few minutes to audit the accounts of a society. Ordinarily my own experience is that it does not take more than a few minutes. If certain auditors took two weeks to audit the accounts of a rural society, they must have been very dull. I do not know who they were, but the society's accounts may also have been of abnormally large proportions. So far as my recollection goes it never took me or any of the officers who were working at that time more than half-an-hour to audit the accounts of the most complicated society that then existed. I know that the movement has made great progress, but at the same time what the department is doing is this :—It is splitting up large societies into

*Resolutions.**Maulvi A. K. Fazl-ul-Haq.*

smaller ones so that the increase in number is more illusory than real. However, I am not here to say anything as to the merits or demerits of the movement because I do not for the moment wish the Council to believe that I am not one of the greatest enthusiasts that can possibly be in favour of this movement. I have spent some of the best days of my life in whatever service I could render in popularizing the movement among my own countrymen, and I do not think that I would be recanting the many advantages that I derived from my life as an officer of that department were I at this moment to express anything but approbation of the work that is being done by this department.

My Lord, as regards 'Sanitation' I fully agree with the Hon'ble Babu Surendra Nath Ray that this one of those departments as to which Government cannot be too generous in making allotments in the annual Budget, but this I pointed out as one of two items of expenditure which might not do much harm or injury if postponed for a year, and I even said that if no postponement was possible that the money requisite might be got from the lump-provision of about 13 lakhs under the head of 'Sanitation'. I know that the Sanitary Board is going to wage war against the hookworm; I do not propose to take sides either with them or with the bureaucrats; let them fight it out, but what I suggested was that if the money was absolutely necessary, the money could have been got from the unallotted lump-provision that was made under the head of 'Sanitation'.

Before I sit down, my Lord, I must say a word or two as regards the observations made by my friend, the Hon'ble Mr. P. C. Mitter. He has got the great privilege of being one of my friends ever since the time we entered the Presidency College together, and he can certainly draw upon that circumstance with as much liberty as he likes in making any remarks that he pleases, but I wish to point out that it never occurred to me that during my activities in this Council I posed always as an unrelenting antagonist of Government. I cannot see how a proposal to allot Rs. 3 lakhs could be called going against the Government. I think one ought to be credited with the best of intentions when one really comes forward with suggestions to fight famine, and if I have ventured to make a suggestion I have done so in response to a duty which I think Government equally like myself owe to the people of this country. It is difficult for men in the position of my hon'ble friend living in palatial buildings in Elgin Road and Theatre Road to conceive the appalling distress which prevails in mufassal districts when agricultural conditions become unfavourable—conditions which at the present moment are aggravated by the fact that the price of cloth and other commodities of life has taxed to the utmost the slender resources of the people of the land. My Lord, it was not in a spirit of opposition that I brought up this resolution before the Council. I do not know if I can be accused of being a perpetual antagonist of Government just as much as there are some persons in this Council who can be accused of going in favour of Government on every and any occasion whether Government take a reasonable attitude or not. There are people who always oppose the Government and there are people whose mission in life is always to support the Government, but I belong to neither category. When I put forward my suggestion it was with the best of intentions to suggest to Government ways and means for finding out necessary expenditure on famine relief operations. I placed before the Council my most earnest conviction that Rs. 2 lakhs will be absolutely insufficient to meet the needs of the situation. Two lakhs of rupees would not be sufficient to meet the funeral expenses of the dead, it would not be sufficient for the needs of the dead if there is a widespread famine. It is for this reason that I suggested that a larger allotment

*Resolutions.**Mr. Cumming ; Babu B. C. Ray.*

should be made. With Rs. 9 lakhs to be got from the Government of India it would make Rs. 10 or 12 lakhs which I wanted for this purpose. There has been tremendous opposition lest the co-operative fund be depleted or the funds of the Sanitary Board, but this is also a duty of your Excellency's Government, and it is for your Excellency's Government to decide what to do in this matter."

The Hon'ble Mr. Cumming said :—

"Sir, I may be permitted to make two observations before this debate closes. The first is that I am sure there is really no difference of opinion about the propriety of making due provision for famine relief. If that general proposition is accepted, I must still protest against the abuse of the English language. The word 'famine' has a very definite signification. I have seen famine in the United Provinces; I have seen it in Bihar; but except for a certain period in Bankura there has not been in Bengal famine—as the word is really understood in the Famine Code—for almost twenty-five years.

In the second place I wish to observe that the total amount that has been allotted during the current year is not inconsiderable. Hon'ble Members should remember that considerable sums have been given for relief works, for agricultural loans and for gratuitous relief. In the forthcoming year, the estimates of which we are discussing to-day, the total amount allotted under different heads, apart from expenditure which the district boards may make, is 8½ lakhs; and as I have said before if, as time progresses, it is found necessary to spend more money in view of developing circumstances Government will be prepared duly to recognize and meet the new situation."

The resolution was then put and lost.

APPENDIX TO THE LIST OF BUSINESS—ITEM No. 6.

The following resolution stood in the name of the Hon'ble BABU BHABENDRA CHANDRA RAY :—

This Council recommends to the Governor in Council—

- (a) that the provision for gratuitous relief under the expenditure head "Miscellaneous" be raised from seventy-five thousand rupees to two lakhs of rupees; and
- (b) that a deduction of Rs. 1,25,000 be made from the provision for Police buildings to counterbalance the said increase.

He said :—

"My Lord, in view of the provision already made under the head 'Famine Relief' in the revised Financial Statement, I think that I should withdraw this resolution."

The resolution was then, by leave of the President, withdrawn.

*Resolutions.**Babu K. M. Chaudhuri.***APPENDIX TO THE LIST OF BUSINESS—ITEM No. 7.**

The Hon'ble BABU KISHORI MOHAN CHAUDHURI moved the following resolution :—

This Council recommends to the Governor in Council that no expenditure be incurred next year for the Dacca University pending the action taken on the recommendations of the Calcutta University Commission, and that the sum of Rs. 3 lakhs set free be spent for the spread of primary education.

He said :—

"My Lord, before I say anything on this resolution I think I should make my ground clear in order to guard myself against any attack coming from any of my friends from the Eastern Quarters interested in the establishment of the Dacca University. I know fully well that it is a decided proposition now and that it is sure to come into existence at no distant future. But I think the sum set apart in the next year's Budget could be spent for some more useful purpose for the present. Your Excellency's announcement, if I remember aright, at Dacca was that at least Rs. 15 lakhs would be spent next year for the furtherance of that scheme. It is mentioned in the Budget that Rs. 15 lakhs would have been spent, but for reasons known to the department at least Rs. 12 lakhs would be set back and only Rs. 3 lakhs would be spent. As far as I understand it is pending the consideration of the recommendation of the University Commission upon the report of which body the Government's policy will have to be considered, which will surely take some time. It may be, my Lord, that at the end of the year we would hear that money could not be spent. This year at least a very large sum could not be spent for reasons best known to the department, though we hear that out of the Rs. 18 lakhs shown to be unspent some amount had been spent for the construction of building and so forth. My idea therefore is that this paltry sum of Rs. 3 lakhs may not be provided in the next year's Budget. The establishment of the Dacca University would require a large sum and your Excellency's Government would be able to secure that amount out of the cash balance with the sanction of the Government of India which can be provided next year. No useful purpose will be served by an expenditure of Rs. 3 lakhs. As soon as my hon'ble friend Babu Surendra Nath Ray's Primary Education Bill is passed into law, which, I hope, is sure to be passed on the 27th of this month, a large sum would have to be spent by Government to give it a fair start, encouraging the mufassal municipalities to come forward and take advantage of the provisions of the Bill; and it is for that purpose that I have put forward my proposal that the Rs. 3 lakhs set apart for the Dacca University be allotted for the spread of primary education. I know Government are very anxious to develop the village life, and the village self-government is also very likely to come into existence; but in the village life the most important thing is the adequate arrangement for the primary education. So any sum that can be spent for primary education ought to be spent at any cost. I need not say much on the importance of the primary education, but whatever is done either for imparting improved knowledge in sanitation or any knowledge in agriculture or industrial knowledge, primary education is the basis. The sum set apart for primary education, to my mind, is very inadequate. I do not like to take much of the time of this Council by discussing this question and with these few words I beg to recommend the resolution for the acceptance of this Council."

*Resolutions.**Babu S. N. Ray***The Hon'ble Babu Surendra Nath Ray** said :—

" My Lord, I have great pleasure in supporting this resolution. It appears that your Excellency's Government have already made some provision for the development of primary education in rural areas. I find in page 33 of the draft Financial Statement that there is a lump-grant of Rs. 5,50,000 for the development of primary education, but it appears that a large portion of this amount will be spent in rural areas. It appears that the following are some of the items :—

	Rs.
Increase in the pay of teachers of aided primary schools ...	80,000
Establishment of primary schools for girls in Panchayati unions ...	30,000

and so on. I find that out of this Rs. 5,26,000 only Rs. 78,000 or in round numbers about Rs. 80,000 may be said to be allocated to municipal areas, and one of them the following :—

Building for model primary schools for girls ...	Rs. 16,000
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Even if the whole amount be spent in municipalities, the grant to local bodies to enable them to raise the rate of stipends of untrained teachers in aided primary schools and mukhtabs for boys will be Rs. 60,000, provision for lower primary schools in municipal areas Rs. 2,664, making a total of Rs. 78,664, but as my friend has already suggested that if the Primary Education Bill be passed, a sum of at least 3 lakhs will be necessary for the development of primary education in municipal areas. I find from the opinions given on the Primary Education Bill one opinion given by Mr. Samman who was the Education Secretary to your Excellency's Government and he gives this opinion. He says : ' Municipalities already spend more than one lakh of rupees a year on education of all sorts. With a population of less than 2 millions only, four lakhs would be required for universal free education of boys between the ages noted. The difference of 3 lakhs represents an incidence of only 2½ annas a head of the municipal population of Bengal outside Calcutta.'

According to his estimate, and he was an authority on these matters, it will be necessary to have at least 3 lakhs of rupees for the development of primary education in municipalities. Of course I admit that we ought to levy an education cess for the development of primary education in mufassal municipalities, but if we depend entirely upon education cess for the development of primary education, then all I can say is that primary education will not be developed. We require some help from Government, and I find also from the last report of the progress of education in India a remark by the Education Secretary to the Government of India, Mr. Sharpe, that the Government ought to be prepared to meet some portion of the cost for the development of primary education and ought not to leave everything to local bodies. The other day when the Hon'ble Mr. Sarma asked for a grant of one crore and 80 lakhs for the development of education and sanitation of the country, the Finance Member said that these are local matters and ought to be tackled by the local Governments. So I think it is a matter which entirely rests with your Excellency's Government. I find that provision has been made for all and sundry requirements, but no provision has been made for the development of primary education in the mufassal municipalities. I am glad to see that a very good sum, I think about

*Resolutions.**The Maharajadhiraja Bahadur of Burdwan.*

5 lakhs of rupees, has been set apart in the Budget of the Calcutta Corporation for the development of primary education within the town of Calcutta, and that without the imposition of an education cess. So it will be necessary to make some allocation of funds for the development of primary education in the mufassal municipalities.

Then as regards ways and means, I do not agree with my hon'ble friend ; it is for your Excellency's Government to find out ways and means."

The Hon'ble Maharajadhiraja Bahadur of Burdwan said :—

"My Lord, the resolution before us has been worded in the usual characteristic picturesque way of the Hon'ble Member, but I am not very much concerned with that. From the point of view of Government what I have to say is that it is quite impossible for the Government to divert the three lakhs of rupees from the scheme intended for the Dacca University. On the question of primary education generally, which has been brought forward not only by the hon'ble mover of this resolution, but by the gentleman who has followed him, I shall say a few words when I conclude. Meanwhile, I would like to point out to the hon'ble mover of the resolution that I confess I cannot follow the working of his mind regarding the Dacca University scheme. He does not want that the Dacca University scheme should not be proceeded with, but then he argued that because he thought all the money would hardly be spent, that it may be spent on something more useful. Well, of course, primary education is undoubtedly a matter on which, as this Council knows very well, the Government is only too anxious to make a real start, but when it comes to taking that money from the Dacca University, I am afraid that that cannot be done. The hon'ble gentleman has himself said that we are pledged to the scheme ; he has himself referred to the speech your Excellency made the other day when at Dacca in connection with making an early start with this scheme, and in spite of these two very important facts, he still wants to defer making any expenditure during the current year. He knows full well, if he had the time to read this morning's paper, that the report of the University Commission is likely to be sent in soon, and that the European members of that Commission are about to proceed to England after their work. What does all this mean ? It means that before very long the Government may naturally expect to know what the Commission have recommended. I may say at once that in the matter of the Dacca University, the Government are bound to fulfil its pledges. What is more, we have been recently told by the Government of India that they consider it very important that no time should be lost in giving effect to such of the proposals of the Commission as may be approved after full consideration, that in view of this we must really begin the work during next year. I therefore do not see how we can possibly expect the large saving which the Hon'ble Member says we shall have in the provision we have made for the University requirements. It is a curious working of the mind, too, when we come to realise that when the question of primary education is perhaps more before the country than it is now, whether Hon'ble Members of this Council would propose that higher education is to suffer at the expense of primary education. On this large question I do not propose to go into at present.

I shall now turn to what has fallen, curiously enough, from the Hon'ble Member in charge of the Primary Education Bill which he thought would be passed into law at the last meeting of the Council. He has brought in a Bill or the introduction of a voluntary system of education for rural and urban

*Resolutions.**Babu K. M. Chaudhuri.*

areas, and to-day we find him not only stating facts which we know to be true, namely, that we cannot entirely depend on the levy of an education cess, but what is surprising is that he is supporting this resolution because he is jealous that we have provided Rs. 5½ lakhs for district boards and not for municipalities; well, that is a very narrow point of view to take, especially when he knows that ample opportunity will be given to municipalities when the new Bill becomes law to try and improve their requirements so far as the needs of primary education in these areas are concerned. My Lord, I regret that I cannot recommend to this Council the acceptance of the resolution moved by the Hon'ble Babu Kishori Mohan Chaudhuri. I think that the Government have delayed long enough giving effect to the recommendations of the Dacca University Commission, and it was only because Government thought that as the Calcutta University Commission had been appointed that they stayed their hands for the time being so as to enable them to give effect to whatever changes in the Dacca University scheme the Commission might recommend. This Government did not for a moment think and do not think that the University Commission would in any way recommend the abandonment of the scheme or modify it in such a manner as would again mean further delay, and I therefore recommend that the resolution be opposed."

The Hon'ble Babu Kishori Mohan Chaudhuri said :—

"My Lord, I am sorry I am opposed in this by the Hon'ble Maharajadhiraja Bahadur of Burdwan, the Member in charge of Education. I am not really convinced that this paltry sum will be of any avail in giving a start to the establishment of the Dacca University. Of course, I saw from your Excellency's announcement at Dacca that at least Rs. 16 lakhs would be provided, and if that was so, I should have been the last to say anything about it. I think if it be necessary to give the Dacca University a start, Rs. 3 lakhs would be a very unsuitable sum to provide for it. What I mean, my Lord, is that if it is urgently necessary to start the college this year, then a large amount which is in the hands of Government may be made available. I have seen the detailed Budget and I have not heard any details of the Rs. 3 lakhs which it is proposed to provide in next year's Budget. The only thing which struck me is that the sum is a very paltry one and to give a start to the Dacca University that sum is quite inadequate. If it be necessary to do something for the satisfaction of the Dacca people, that a start is being made, that can be done in other ways. Without seeing the details of the Budget I am sorry I have not been convinced as to the necessity for keeping this sum especially reserved for the purpose and not spending anything out of it for any better purpose. Though there is some provision for the levy of an education cess, still if anything is to be done to give a fair start to the working of the Primary Education Act when it is passed into law, I think Government should be liberal enough to spend a decent sum for the help of the mufassal municipalities for the present. It is with this view that I brought this motion forward, and I would have been glad if anything came of it. I propose Rs. 3 lakhs; if Government think a lesser sum would be enough, I would accept it, but I am sorry, my Lord, that I am opposed entirely. It was far from my mind to doubt the utility of the establishment of the Dacca University. I did not bring forward this proposal with any idea that we should discourage the establishment of the Dacca University in any way. My idea was that to give a fair start to primary education, an adequate sum is necessary and that Government should come forward with some substantial help, and in that view I brought forward this proposal. I still hope that Government will see their way to accept the resolution."

*Resolutions.**Babu K. M. Chaudhuri.*

On the question being put, a division was taken with the following result :—

Ayes—5.		Noes—36.	
The Hon'ble	Rai Radha Charan Pal Bahadur.	The Hon'ble	Sir Henry Wheeler, K.C.I.E., C.S.I.
" "	Rai Mahendra Chandra Mitra Bahadur.	" "	Mr. J. G. Cumming, C.S.I., C.I.E.
" "	Babu Surendra Nath Ray.	" "	Sir Bijay Chand Mahtab, K.C.S.I.,
" "	Babu Kishori Mohan Chaudhuri.	" "	K.C.I.E., I.O.M., Maharajadhiraja
" "	Babu Ambika Charan Mazumdar.	" "	Bahadur of Burdwan.
		" "	Mr. J. H. Kerr, C.S.I., C.I.E.
		" "	Mr. C. J. Stevenson-Moore, C.V.O.
		" "	Mr. F. C. French, C.S.I.
		" "	J. Donald, C.I.E.
		" "	L. S. S. O'Malley, C.I.E.
		" "	H. P. Duval.
		" "	M. C. McAlpin.
		" "	F. A. A. Cowley.
		" "	Col. J. K. Chose, M.D., I.M.S.
		" "	Mr. W. C. Wordsworth.
		" "	C. F. Payne.
		" "	S. G. Hart.
		" "	Khan Bahadur Maulvi Aminul
		" "	Islam.
		" "	Sir Rajendra Nath Mookerjee,
		" "	K.C.I.E.
		" "	Sir Nilratan Sarkar, Kt.
		" "	Mr. R. V. Mansell, O.B.E.
		" "	W. H. H. Arden-Wood, C.I.E.
		" "	Raja Hrishikesh Laha, C.I.E.
		" "	Mr. L. V. N. Meares.
		" "	Babu Siv Narayan Mukherji.
		" "	Kumar Shib Shekharewar Ray.
		" "	Rai Debender Chunder Ghose
		" "	Bahadur.
		" "	Mr. F. W. Carter, C.I.E., C.B.E.
		" "	W. E. Crum, O.B.E.
		" "	W. H. Phelps.
		" "	G. A. Bayley.
		" "	H. R. A. Irwin, C.I.E.
		" "	Dr. Abdulla-al-Mamun Suhrawardy
		" "	Maulvi Abul Kasem.
		" "	A. K. Fazl-ul-Haq.
		" "	Khan Sahib Aman Ali.
		" "	Mr. Altaf Ali.
		" "	Rai Sri Nath Ray Bahadur.

The following members abstained from voting:—

The Hon'ble Mr. Provash Chunder Mitter, C.I.E.

" " " Arun Chandra Singha.

" " " Babu Bhabendra Chandra Ray.

The following members were absent :—

The Hon'ble the Nawab Bahadur of Murshidabad.

" " " Mr. Aminur Rahman.

" " " Babu Brojendra Kishor Ray Chaudhuri.

" " " Sir Deba Prasad Sarbadhikari, Kt., C.I.E.

" " " Mr. M. Ashraf Ali Khan Chaudhuri.

" " " Babu Akhil Chandra Datta.

" " " Babu Mahendra Nath Ray, C.I.E.

" " " Mr. K. B. Dutt.

The Ayes being 5 and Noes 36 the motion was lost.

*Resolutions.**Babu A. C. Datta ; Maulvi Abul Kasem.***APPENDIX TO THE LIST OF BUSINESS—Item No. 8.**

In the absence of the **Hon'ble Babu Akhil Chandra Datta** the following resolution which stood in his name went by default:—

This Council recommends to the Governor in Council—

- (a) that suitable provision be made in the next year's Budget to give effect to the scheme of water-works for the Chandpur Municipality; and
- (b) that the necessary amount be taken out of the provision of Rs. 1,25,000 in the Land Revenue Budget as a first instalment of the expenditure to be incurred on circle officers.

AFTER LUNCH.**APPENDIX TO THE LIST OF BUSINESS—Item No. 9.**

The Hon'ble Maulvi Abul Kasem moved the following resolution :—

This Council recommends to the Governor in Council that the sum of Rs. 1,820 allotted for the grant of personal allowance of clerks in the office of the Commissioner of Police, Calcutta, be added to the grant for the provision of primary scholarships.

He said :—

"My Lord, by moving this resolution I beg to bring two facts to the notice of your Excellency's Government. Firstly, it is proposed in the Financial Statement to grant personal allowances to five of the clerks in the office of the Commissioner of Police, and it appears from the statement that these clerks draw a salary of Rs. 100, Rs. 125, Rs. 150 and Rs. 200 and it is proposed to add to their remuneration by the grant of personal allowances, and the only reason that I find in the statement for the grant of these allowances is that they have had no increase of pay for 5 years. My Lord, I beg to submit that if an increment is to be granted in the pay of ministerial officers, the case of the clerks and assistants in the offices of District Magistrates and District Judges should receive prior consideration than that of those ministerial officers employed in Calcutta. The head assistants and superintendents as well as the senior assistants in a Magistrate-Collector's office and the sheristadars, nazirs and head clerks in the District Judge's office have to perform certainly more responsible duties than the assistants in the office of the Commissioner of Police and their work is certainly much harder than that of these clerks. I am afraid, my Lord, that in the case of the presidency police the Government have to concede generally the proposals made by the authorities of the police, and in making these allotments the cases of other officers of Government are not properly considered. I suggest that this sum may be added to the funds allotted for the provision of primary scholarships and I make this suggestion because I think the amount allotted for these scholarships which is a little over Rs. 2,000 is not sufficient for the purpose. I beg to submit, my Lord, that this grant of personal allowance is to my mind a little bit of extravagance and should not be granted, and that the money can be better utilized either by increasing the grant for primary scholarships or in even other better purposes than this. With these words, my Lord, I beg to commend the resolution to the acceptance of the Council."

Resolutions.

Mr. O'Malley; Maulvi Abul Kasem; Babu K. M. Chaudhuri.

The Hon'ble Mr. O'Malley said :—

"My Lord, the hon'ble mover is under a misapprehension in stating that only Rs. 2,000 has been allotted for scholarships. If he will turn to page 140 of the Civil Budget Estimates, he will see that altogether Rs. 14,500 are allotted for upper primary scholarships and Rs. 1,500 for lower primary scholarships; the total provision for primary scholarships in the Budget therefore comes to Rs. 16,000 and this figure is based on actual requirements. It represents the sum which Government provides for primary scholarships, and in addition to them scholarships are also provided by local bodies. The resolution starts with the assumption that the sum of only Rs. 2,000 is allotted for primary scholarships, and that it is necessary to increase it by Rs. 1,620 to bring it up to the total of Rs. 4,000; and I think therefore that when a total of Rs. 16,000 has already been provided, it will be realised that the object of the mover is met. I submit also that it would not be fair to dock the clerks of the office of the Commissioner of Police of their allowances. The sum of Rs. 1,620 would not go far in providing scholarships throughout the province, but its loss would mean a great deal of difference to clerks living in Calcutta in these days of high prices, who receive these allowances only in cases of hardship and long service on the same pay. For these reasons, I am unable to recommend the resolution to the acceptance of the Council."

The Hon'ble Maulvi Abul Kasem said :—

"My Lord, when I gave notice of this resolution I never intended to press it to a division, but I only wanted to bring to your Excellency's notice and that of your Excellency's Government the fact that the money was wanted for primary scholarships and also the fact that it is not fair to grant personal allowances to clerks in the office of the Commissioner of Police whose office is situated at Government headquarters. The Hon'ble Mr. O'Malley has said that it will not be fair to deprive them of these personal allowances in these hard times, but I submit, my Lord, that in these days the work of the clerks and ministerial officers in mufassal stations is much harder than that of the ministerial officers at headquarters. What I wanted to do was to submit for your Excellency's consideration and that of Government the fact that the first party who deserves consideration at the hands of the Government in the matter of personal allowance were the ministerial officers employed in mufassal offices, but if Government think otherwise I must submit to it and I must withdraw the resolution."

The resolution was then, by leave of the President, withdrawn.

APPENDIX TO THE LIST OF BUSINESS—ITEM No. 10.

The Hon'ble Babu Kishori Mohan Chaudhuri moved the following resolution :—

This Council recommends to the Governor in Council that the increase in fee receipts and the savings, if any, for each of the Government colleges be spent for the improvement and development of that institution by bettering the prospects of the teaching staff and meeting other requirements of the college, and that necessary changes be made in the Budget accordingly.

He said :—

"My Lord, recently, about a year ago, increment has been made in fee rates for the Krishnagore, Hooghly, Chittagong and the Rajshahi Colleges."

*Resolutions.**Babu K. M. Chaudhuri.*

and last year I brought forward a resolution—that fee rates should not be increased—for the benefit of the poorer section of the student community. Unfortunately I was not successful. The reply of Government was that a uniformity of rate should be observed. I expected not only a uniformity in fees but a uniformity in other advantages, that uniform educational facilities would be provided and the money would be utilized for that purpose. I do not know what has been done about the other colleges—I mean the Krishnagore, Hooghly and the Chittagong Colleges—but I know something of the Rajshahi College. The number of students in Rajshahi College is about 800, next to Dacca I believe, where the number is about 900, only a difference of about 100 students, and in other colleges, namely, Krishnagore, Hooghly and Chittagong Colleges, the number does not exceed 250. The fee rate in the Rajshahi College has been raised from Rs. 4 to Rs. 6, thus effecting a monthly gain of about Rs. 1,500 with 800 students which comes to about Rs. 18,000 annually. If this increment be utilized for providing facilities in educational matters and other requirements of the college, the institution will no doubt be much benefited, but unfortunately this is not done, inasmuch as there is not a single officer of the Indian Educational Service in that college. I noticed from the last quinquennial report that there are about 11 officers of the Indian Educational Service in the Dacca College and even in the Krishnagore, Hooghly and Chittagong Colleges there is one such officer in each of these institutions, though their number of students does not exceed 250. On account of the absence of an officer of the Indian Educational Service in the Rajshahi College the senior officers in that college do not get the benefit of officiating vacancies, while in other colleges the junior professors do benefit by acting allowance, and the result has been that some of the best professors have left the institution for better prospects and some are trying to go elsewhere. That is a thing, my Lord, which I think that Government should not consider reasonable, and it is for this reason that I have brought forward this resolution to draw the attention of your Excellency's Government to it. If the students are to have the benefit of getting lessons from the best professors in the department the prospects should be made attractive to draw the best men to the service. In this year's Budget there is a provision of Rs. 120 a month for the appointment of a lecturer in Mathematics. I think a man standing high in Mathematics cannot be satisfied with Rs. 120 for any length of time. One may be very anxious to get the appointment, but after a year or so he will be dissatisfied and will go elsewhere. As far as I know there is no adequate arrangement for the library in the Rajshahi College. There are lots of other requirements. Then there is the question of the erection of a hostel for the construction of which only Rs. 50,000 has been allotted, though there has been such a large increase in the recurring income, while the cost of a decent hostel cannot be anything under 2 or 3 lakhs. It is more for drawing the attention of your Excellency's Government to this inequality of advantage in the Rajshahi College that I bring forward this resolution. My proposal is that if an uniformity of rate is to be observed the uniformity of advantages for imparting education in all these colleges should also be considered. Then there is the case of the Professor of Mathematics who is serving for the last 30 years with credit and that of the Principal of the institution who, at a time when Government was anxious to abolish the institution, saved the situation, and it is now one of the most efficient Colleges in the mufassal, still nothing has been done for them, and I hear that they are discontented with their present appointments. I therefore venture to think that arrangements should be made for giving two or three officers of the Indian Educational Service to this college, and if the professors who are serving there for a long time are thought competent may be promoted or transferred elsewhere, they being replaced by men of superior merits. Such an arrangement will benefit the students also considerably."

*Resolutions.**Mr. O'Malley.***The Hon'ble Mr. O'Malley said :—**

"My Lord, the hon'ble mover refers in this resolution to certain orders of Government which were passed nearly two years ago which raised the fees in four Government colleges from Rs. 4 and Rs. 5 to Rs. 6 a month. My hon'ble friend now wishes that the additional income obtained from fees in these colleges should be spent on their improvement and development. He has fortified his case by referring solely to the Rajshahi College in which he himself is keenly interested, and as I have told him before I am myself interested as having been at one time President of the Governing Body. As regards his reference to savings, I presume he means the excess of fee receipts over the cost of maintenance. I can assure him that in none of these schools are there any savings at all. After allowing for the receipts from fees and endowments, the last of which are comparatively small—the amount is only Rs. 17,000 a year—there is a deficit every year in every Government college, which has to be made good by Government. So far, therefore, from the increased fees to which I have referred having resulted in savings, there is still a heavy deficit. I will quote some figures.

The Krishnagore College costs Rs. 56,000 a year, of which only Rs. 15,000 is obtained from fees. In the Sanskrit College, another college in which fees were increased, the fees after the increase accounted for Rs. 11,000, and there is a difference of Rs. 17,000 which is made up by Government. The cost of the Chittagong College is Rs. 49,000, of which only Rs. 26,000 comes from fees. The expenditure on the Rajshahi College is Rs. 89,000 and fees and endowments account for Rs. 65,000, leaving Rs. 24,000 a year to be found by Government. There is no surplus to be spent on the improvement and development on these colleges; they have to depend on the grants made from our general revenues. The increase in fees has undoubtedly increased the income which Government derive from the colleges, but they are far from being paying concerns; and as I shall mention shortly, Government has incurred considerable additional expenditure since the fees were increased and will shortly incur more. In any case it is out of the question for Government to treat each college as a separate entity in this way. Government is anxious to improve the colleges in which fees have been increased; but it is also equally anxious to improve colleges in which fees have not been raised. The claims of all the different colleges have to be considered and money allotted for their requirements according to the relative urgency of the reforms which have to be introduced. Apart from this, it would be out of the question to spend extra receipts in bettering the prospects of the teaching staff in four out of our eight Government arts colleges. The hon'ble mover has drawn rather a moving picture of the poor prospects of the professors and lecturers of the Rajshahi College, but I may remind him that the teachers and professors belong to graded services and they must receive the pay and promotion common to those services. It would be impossible to give them preferential treatment while they are at a particular college, say, the Rajshahi College, and to give them extra pay temporarily as a special concession merely because the fees in that college had been raised two years ago. If this were done, the teachers of other colleges would be clamorous for transfer to the Rajshahi College, simply in order to get the extra pay, and the teachers left in the other colleges would have good cause for complaint.

I would remind the hon'ble mover too that since the fees were increased Government has done a great deal for those colleges. My hon'ble friend has referred to the proposal to entertain an extra lecturer in Mathematics at the Rajshahi College. There is an increasing number of students taking Mathematics up to the B. A. and B. Sc. standards and the work has proved to be too much for the existing staff, and it is therefore

*Resolutions.**Babu K. M. Chaudhuri.*

sought to relieve the staff by appointing an extra lecturer. Then again, Government has provided the sum of Rs. 50,000 for a new hostel. Here I think the hon'ble member is under some misapprehension. He assumes that that is all that Government intend to give for the hostel. He says that the hostel will cost 2 or 3 lakhs. I think his estimate is somewhat excessive—it may have been raised since I last saw the plans—but I think it is under two lakhs. The half-lakh now budgetted for is merely the first instalment of the cost of that scheme. The whole amount has not been provided for in one year because the building will not be built in one year; the requisite amount sufficient to carry out the scheme will be provided in subsequent years. He has neglected the case of other colleges like Krishnagore for which Government is doing a great deal. It is important that these mufassal colleges should be developed, especially in regard to the selection of subjects taught, because in the mufassal colleges, unless there is a considerable variety of subjects, students will flock to Calcutta and the mufassal colleges will not attract them. The Krishnagore College up to 1917 had only limited affiliation. It was affiliated in Political Economy, Political Philosophy and Persian up to the B. A. Pass standard, and the only affiliation up to the B. A. Honours standard was in Sanskrit, which does not appeal to a very large number of students. It was desired to extend the affiliation. In order to do that a number of additional appointments were made last year—a professor of English, a lecturer in English and a teacher of Mathematics and a professor of Philosophy. The college has consequently been able to obtain affiliation in English up to the B. A. Honours standard, in Philosophy up to the B. A. Pass standard, and in Mathematics up to the B.A. and B.Sc. Honours standards. Additions to the building and equipment of the college as well as to its library have also been made, and Government is now considering the question of appointing a Professor of Political Economy and Political Philosophy. The efficiency and popularity of the college have been greatly increased by these measures since the fees were raised. To take the case of Chittagong, another college in which the fees were raised, only last year Government appointed a lecturer in English, a lecturer in Logic and a professor in Economics so as to allow of affiliation in English up to the B.A. Honours standard and in Economics up to the B. A. Pass standard, and in Logic up to the Intermediate standard. The Hon'ble Member has also referred to the case of the Hooghly College. He is under a misapprehension in thinking that the fees were raised in that college. Before 1917 the fees stood at Rs. 6 and they have remained at that figure. I may however tell him that in that college an additional Professor of English was appointed last year. It is also proposed to extend the subjects taught at this college and to obtain affiliation in Philosophy and Economics up to the B. A. Pass standard from the commencement of the next session. It is on this account that Rs. 5,500 has been provided in the Budget for a Professor in Economics and a Professor in Philosophy as shown at page 71 of the Financial Statement.

I am afraid, my Lord, that I cannot recommend the resolution for the acceptance of the Council."

The Hon'ble Babu Kishori Mohan Chaudhuri said :—

"My Lord, I am glad that attention is being given to the reforms of these colleges, but what I complain of is this :—I know that Government is spending a good deal on these colleges, but what I mean is that there is no uniformity of expenditure in these colleges. A large sum is spent for Rajshahi, but the expenditure per head would not be more than Rs. 50 or Rs. 52—it ought to be Rs. 150 per head. In the Presidency College it is of course very high; in Dacca it is over Rs. 200. Government in introducing a uniform fee rate should see that there is uniformity of advantages allowed to

*Resolutions.**Babu K. M. Chaudhuri.*

the students as well as to the teachers. I explained in detail the difficulties of the professors in the Rajshahi College. I understand that Chittagong and Hooghly are going to be affiliated in Economics and by that arrangement they are going to have professors of the Indian Educational Service for Economics. In the Rajshahi College in the last 6 or 7 years, they have been teaching Economics—it is only affiliated in Pass standard—and a man in charge of Economics is a lecturer on Rs. 100 or Rs. 150 a month—and the result is that the man is anxious to leave and is trying to secure an appointment either in the Hooghly or Chittagong College. If there is a new affiliation the man who is doing good work for the last 6 or 7 years ought to be given some preference, but that has not been done and in other colleges where there is new affiliation, men in superior service are going to be appointed. In the case of the Rajshahi College, the present incumbent is anxious to leave. My point is that if there is some increment in fee rates—I do not mean to say Government is going to be relieved of the entire charge for the college—that increment should be utilised in the improvement of the college. The per head expenditure in the Rajshahi College was previously about Rs. 50 or Rs. 52; it is now come down below Rs. 30; that should not be the case. It is to bring these inequalities to your Excellency's notice that I brought forward this resolution. I do not press for any decision at once. With these remarks I beg to withdraw my resolution."

The resolution was then, by leave of the President, withdrawn.

APPENDIX TO THE LIST OF BUSINESS—ITEM No. 11.

The Hon'ble Babu Kishori Mohan Chaudhuri moved the following resolution:—

This Council recommends to the Governor in Council—

- (a) that provision be made for additional medical schools either in Calcutta or in suitable mufassal districts other than Burdwan, as may be recommended by a special committee appointed for the purpose; and
- (b) that the same be met from the allotment of Rs. 1,25,000 provided for the appointment of circle officers.

He said:—

"My Lord, the arrangements for medical help in the mufassal are very inadequate. I know that in my thana, though there are over 80 villages, with a population of 2 lakhs, there are only two or three qualified civil hospital assistants under the service of the district board, and there is no other qualified doctor there. This is the case in the interior of Rajshahi. I believe that this is the case almost everywhere in the mufassal in this Presidency. The other day my hon'ble friend, Mr. P. C. Mitter, was giving me details of the state of medical aid in the mufassal, and he has made a special study of this, and I hope in this resolution he will see his way to say something about the state of medical help in the mufassal. There are some arrangements for municipal town headquarters of each district where there is a supply of medical practitioners, but the state of things in the mufassal is very deplorable. Your Excellency's Government are anxious to develop the resources of village life, and the proposed Act of Village Self-Government that is going to be passed very soon is an instance. The Act will no doubt develop the resources of the village and will see to the needs of sanitation and agriculture and so forth, but anyone having means will naturally be anxious to leave the village for the safety of his life and for the sake of his health, owing to the fact that there is no adequate arrangement for medical help in the

*Resolutions.**Mr. P. C. Mitter.*

mufassal. In this state of things, my Lord, it is urgently necessary that some more medical schools should be started. I am glad arrangements have been made for opening a medical school at Burdwan and that enquiries had been made for starting a school elsewhere, but the difficulty of want of suitable hospitals stood in the way. But in Calcutta there are several hospitals, such as the Mayo Hospital, the Sambhu Nath Pundit Hospital and other institutions where a medical school on the lines of the Campbell Medical School can be started. Recently there is a great demand for medical education, and most of the students applying for admission in medical schools are being disappointed. On the one side there is great demand and on the other side there is great anxiety for it. In the mufassal, I think some quacks supply the need or some homeopathic doctors are doing something, but that is not enough, and that is no real help. In this state of things my proposal is that some more money should be spent on medical schools. I see that there is an allotment of Rs. 1,25,000 provided for the appointment of circle officers who are to educate the people in the better management of local institutions to be started under the new Act, I mean the Village Self-Government Act. As far as I have been able to follow, I think the final arrangement is that the local boards are not going to be abolished as was the first proposal. The officers under the district boards and local boards for the present may be sufficient for the purpose of additional supervision. The people should live first and then they should have political education or political training. So these circle officers I do not think will be of very great utility to the villages. When the Act comes into operation there will be many other officers who will be able to educate the people in respect of political education and training, and the appointment of circle officers may be postponed for the present. The present need of medical aid may be considered and the appointment of circle officers postponed for the present."

The Hon'ble Mr. P. C. Mitter said :—

"As the Hon'ble Member has invited me to speak I should like to indicate that I am strongly in favour of clause (a) of the resolution, but I am sorry I cannot support clause (b) of the resolution. The question referred to in clause (a) of his resolution is what I consider to be one of utmost importance for Bengal and for rural Bengal specially. At the present moment we have 3,000 registered medical practitioners for the whole of Bengal, of whom about 2,000 practise in municipal areas where 3 out of our 45 millions live. So that in rural areas we have less than 1,000, or in other words we have one qualified medical man to every 42,000 of inhabitants. It is apparent that this is very inadequate. In England I believe there are about 1,200 or 1,250 inhabitants to one medical man. I speak subject to correction, as I speak from memory. I think the average in Europe is 1 to 1,500. Although our country is poorer in the rural areas of Bengal medical men can make a living by earning fees which are comparatively smaller than what medical men in Europe require. Bengal however is so insanitary that there is greater necessity of having more medical men in rural areas. I venture to think, my Lord, that if we have 10,000 or 12,000 more medical men in rural areas it will mean about 3,000 or 3,500 men to one medical man. Therefore these medical men will not only be able to make a living for themselves, but they will be filling up a great necessity of society and society will be very greatly benefited by them. At the same time these medical men will relieve congestion in clerical appointments and other professions. For this reason I am strongly in favour of clause (a) of my hon'ble friend's resolution.

As regards clause (b) I for one venture to think that if we are to take away the allotment made for circle officers then the line on which the future

*Resolutions.**Babu S. N. Ray.*

development of rural areas and the village union committees are contemplated by Government would be seriously interfered with. I do not think that the question of the future programme of medical education is a question which can be properly considered and adequately given effect to in a discussion on the Budget by suggesting that a sum be taken away from this particular item or that particular item. I would therefore appeal to my hon'ble friend to withdraw his resolution and at the same time I would appeal to Government to take this matter into their consideration and formulate something definite next year by which Government can provide for more medical men. There are many hospitals where with comparatively small expenditure provision for medical education can be arranged for. My friend has referred to the Mayo Hospital, Sambhu Nath Pundit Hospital and various other hospitals where at a comparatively small expense medical education can be provided for. But it is a problem which must first of all be considered by the Government in consultation with its own officers. For these reasons I strongly ask my hon'ble friend to withdraw his resolution."

The Hon'ble Babu Surendra Nath Ray said :—

"My Lord, I wish to say a few words with reference to this resolution. The need of more medical institutions in this country is admitted on all hands and I think it is in contemplation of Government to establish more medical institutions. It appears that the Hon'ble Babu Akhil Chandra Datta has also given notice of a resolution to have a medical institution in Comilla and Sir Deba Prasad Sarbadhikari has also given similar notice to raise the status of the Medical School at Dacca to that of a college. All these resolutions point to the fact that people feel the need of more medical men in the country. I think it was in the year 1913 that the public came to know that more than 500 boys apply every year to the Calcutta Medical College for admission, but only about one-fourth of the number got their admission. That is in the Calcutta Medical College. In the Campbell Medical School I think a larger number of boys used to apply and they were refused, and the reason given is that there is not sufficient laboratory arrangements for all these boys. The best solution of the difficulty would be, I think, to have more medical institutions outside Calcutta, but to have more medical institutions outside Calcutta it is necessary that there should be proper hospital arrangements in mufassal towns, and unless there are proper hospitals it is useless to have medical schools. I think about two years ago Dr. M. N. Banerjee moved a resolution in the Supreme Council to impart medical education in vernacular and to have a number of such institutions all over the country. That resolution was accepted on behalf of Government by the then Surgeon-General Sir Pardey Lukis, but since then it appears that nothing has been done. In answer to my question at the last meeting of the Council as to whether anything has been done towards this direction, the answer given was in the negative. Though that resolution was accepted by the Imperial Council it appears that nothing has been done by the local Governments at least by your Excellency's Government. Then as regards the ways and means, I quite agree with my Hon'ble friend, Mr. Mitter, that this item of Rs. 1,25,000, which has been allotted for the appointment of circle officers, ought not to be diverted to any other purpose. If the Village Self-Government Bill be passed into law, as we hope it will be in April next, it will be necessary to appoint these circle officers in order to give the union boards a good start, and I think not only Rs. 1,25,000 but more money will be needed if we want a very large number of union boards all over the country. So in these circumstances I think this allotment of Rs. 1,25,000 should not be diverted from the purpose for which it has been made. I need hardly say that Government will be able to see their way to provide funds for this purpose from another allotment."

*Resolutions.**Sir Henry Wheeler.***The Hon'ble Sir Henry Wheeler** said :—

" My Lord, this resolution is one of three which deal in varying aspects with the same subject, and it may possibly shorten the discussion hereafter, and enable a more comprehensive consideration of the whole question, if I now make remarks which are more or less applicable to them all. The first resolution is that which has just been moved and which recommends the opening of additional medical schools at places to be determined by a committee. The second is to open a medical school at Comilla, and the third, so far as I am now concerned with it, is to open a medical school either at Mymensingh or Chittagong. Therefore they all have the same object in view, namely, an increase in the number of medical schools, though two of them are more specific than the present one as to where they want the schools to be located.

With the desirability of offering additional facilities for medical education in Bengal the local Government are in agreement, but I would venture to utter a word of warning against our being carried away by the appreciation of the medical needs of the country (a striking demonstration of which was afforded by the recent influenza epidemic) into thinking that we should embark headlong on an indiscriminate policy of placing a medical school at any district headquarters which in any way could be imagined to lend itself to it. We must proceed with caution. We have got to consider the facilities of the particular centre we are choosing, the opportunities it offers for supervision and hospital practice, and the area from which it is likely to draw both patients and pupils, as well as other incidental factors. But, Sir, we admit the need of increasing the number of these schools, and in our present Budget we have taken a step in that direction by making provision for a school at Burdwan. That is a beginning of a forward policy, and for the present I submit that we would do well to complete this scheme, and see how it works before we proceed to rather indiscriminate expansion. The provision of one lakh is not sufficient even to complete the Burdwan scheme. The total capital expenditure involved is Rs. 1,57,000, while if we add another desirable feature, a hostel, it would cost another one and-a-half lakh. So we may reasonably finish what we have begun before embarking on anything new.

I would also like to explain to the Council the circumstances in which we chose Burdwan, especially as one of the suggestions of the Hon'ble Babu Kishori Mohan Chaudhuri is that we should send round a peripatetic committee to discover other centres. Most of the facts which are relevant in this connection are already known to us, and when we selected Burdwan, we had regard to what the alternatives were. First of all, there were certain alternatives in Calcutta. There was a possibility in connection with the National Medical School of Dr. Mullick, which was examined very carefully by a special committee, but which, after full consideration, did not appear to afford a thoroughly satisfactory solution. The financial position was in no sense assured; the aid which might have been expected from private sources was vague and ill-defined; the buildings could never have been made entirely satisfactory for the purpose; the facilities for clinical teaching would have been inconvenient, and, at best, it would have meant opening another medical institution in Calcutta, thus adding to the congestion of students which already exists in this city. On the educational side we are always talking of the evils of that congestion, and we have to spend large sums on hostels, etc., in order to try to remedy them. Therefore it is only reasonable that we should exercise caution before embarking on a policy which can only add to the present number of such students. Another alternative was to start a medical school at Howrah. We have there a very fair hospital, thanks largely to the energies of Colonel Waters and the liberality of the local mill-owners, but there again, it would have been a repetition, in only a slightly less degree, of the objections of adding

*Resolutions.**Sir Henry Wheeler.*

to the number of metropolitan students, while again it would have involved the acquisition of a site amid very expensive surroundings. I have given instances this morning of the Medical College, where every addition and every improvement which has been made or has to be made hereafter, runs into lakhs of rupees for land before even building operations are commenced. Therefore we discarded that idea. Mention has been made of the possibility of utilising the Mayo Hospital or the Sambhu Nath Pundit, but I believe the Belgachia authorities are rather anxious to obtain facilities for training their students at the former hospital, which, if that scheme went through, would not be available. No definite plan has yet been formulated, but the possibility was mentioned to me by Surgeon-General Robinson before he left.

Going outside Calcutta, we then looked round for other possible centres. We did not consider the particular case of Comilla, which the Hon'ble Babu Akhil Chandra Datta has indicated in his resolution because, I think, he must have been moved more by local patriotism than by arguments justifying any such expenditure. I have visited the hospital at Comilla. It is one of the worst mufassal hospitals I have ever seen, and only contains 28 beds, and it is impossible to start a school there.

Next we considered the case of Chittagong, which *prima facie* offered various advantages. It is in an out-of-the-way corner of the province, which is apt to be neglected; it is a large railway centre and a port. However, we found that the local hospital, though it is a very fairly well-run institution, did not lend itself to teaching; it was inconveniently placed, and the wards were too narrow; the proposition, as put before us by the Civil Surgeon and the local officers, was that we should build an entirely new hospital on a better site. That obviously would have increased very largely the cost of the total project. Then we thought of Mymensingh, where the hospital has been rebuilt in recent times; a little while ago it was in financial difficulties, and last year in addition to sums that we had already given, we made a further grant, but just recently, I am glad to say, the leading zemindars of the district seem to have come forward and subscribed with commendable generosity, which, I hope, will enable the hospital to be placed on a satisfactory footing. But for the present it is rather in the making, and one objection to choosing Mymensingh was that it would be rather next-door to Dacca (at any rate it is not very far away), where we already have a flourishing school.

For these reasons we turned to Western Bengal, and chose Burdwan because there is a good hospital there and facilities which held out good expectations of the success of the school, not the least being the co-operation which was generously promised to us by the Maharajadhiraja Bahadur. For these reasons we settled upon Burdwan, and I mention these facts merely in order to explain to the Council that while we have sought for other places, there are in this matter factors to which weight has to be given. It is very easy to say—'Here is a district headquarters, let us place a medical school here,' but it does not follow that a suitable scheme would be achieved. I would further again remind the Council that in addition to this new school, we have given additional facilities by raising the number of admissions substantially both at the Campbell and the Dacca schools.

I would merely add a few words as regards the resources from which it is suggested that this new expenditure may be met.

Taking the three resolutions, the suggestions which cover the finding of the money are, firstly, that we should take it from the provision for circle officers. I may have more to say about that when the Village Bill comes up, and I will only remark briefly here that circle officers, to my mind, are an integral part of any scheme for the furtherance of village government in

*Resolutions.**Babu K. M. Chaudhuri.*

Bengal, and the cutting away from the complaint, which is so often advanced against the provincial administration, that we do through the police so many things which in other provinces are done through the subordinate revenue establishments. Things have been done through the police in Bengal because there has been nobody else to do them, and the scheme of circle officers helps to remedy that defect by supplying a local agency which will be in constant touch with the villagers, and will enable them by encouragement and advice to foster the growth of small village organisations. It has been correctly remarked by one Hon'ble Member that the provision of Rs. 1,25,000 is only a portion of what will be required, if, as is hoped, there is a general development of village government and a gradual extension of it throughout the province.

The next resolution proposes to take the money from the nurses' quarters at the Medical College Hospital, but that would entirely frustrate progress in the improvement of that institution—progress which, it has been argued this morning, is already too slow.

The third resolution, in addition to mentioning public works, with which Mr. Cumming has already dealt, refers to the expenditure on the traffic police in Calcutta, and on the improvement of the prospects of European sergeants and inspectors. The traffic police is already working in this city, and the reasons for its employment can be demonstrated to anybody who cares to take a walk along the streets. The improvement of the prospects of European sergeants has been forced upon us in order to get men to fill these posts. At present there are 58 vacant posts, and some 35 which should be held by a better class of men, and we see no prospect of getting better men unless we offer better prospects. There is, therefore, no very satisfactory head-amongst those which have been enumerated which lends itself to economy, and from which we can find sums for carrying out any alternative proposal.

For the reasons I have given I would represent to the Council that, in doing what we have done in making a beginning with this new school at Burdwan, we are taking a reasonable step towards the advancement of medical education, and a step which we had better complete before we look round for fresh ground to break."

The Hon'ble Babu Kishori Mohan Chaudhuri said :—

"My Lord, I am glad that there is no difference of opinion as regards the necessity of the spread of medical education and I am glad that it is engaging the serious attention of Government and that Government is going to open a school at Burdwan. That is no doubt very desirable, but we should see how the circumstances stand. I am also glad to learn that arrangements have been made for taking more students at the Medical College as well as at the Campbell Medical School. I did not mean that a committee should be appointed and that it should go from place to place—a sort of peripatetic committee. Of course in view of the enquiries that have been made by Government, I do not think it is necessary to make any further enquiries. These enquiries may be taken as a guide when further provision is made for medical education either in Calcutta or the mufassal. As the matter is already engaging the attention of Government, I am not particularly anxious for a decision at once. As regards ways and means, there is some difference of opinion. As regards the utility of Circle officers, we should not anticipate the decision on a Bill which will come up for consideration very soon. If it is considered that there is need for further medical education and supply of more medical men, I am fully convinced that the Government has been and is doing their best. In that view I do not think I would press this resolution and beg leave to withdraw it."

The resolution was then, by leave of the President, withdrawn.

*Resolutions.**The President ; Mr. P. C. Mitter.***APPENDIX TO THE LIST OF BUSINESS—ITEMS Nos. 12 and 13.**

12. The following resolution stood in the name of the Hon'ble Babu Akhil Chandra Datta :—

This Council recommends to the Governor in Council—

- (a) that a sum of Re. 1 lakh be provided in the next year's Budget for the foundation of a Medical School at Comilla ; and
- (b) that this sum be taken out of—
 - (i) the provision of Rs. 4,30,000 in the Budget for the acquisition of land for the new nurses' quarters in the Medical College Hospital ; and
 - (ii) the provision of Rs. 2,00,000 in the Budget for nurses' quarters in the Medical College Hospital.

13. The following resolution stood in the name of the Hon'ble Sir Deba Prasad Sarbadhikari :—

This Council recommends to the Governor in Council—

- (a) that provision be made in the Budget for a non-recurring expenditure of two lakhs and a recurring expenditure of Rs. 74,540 for—
 - (i) the purpose of raising the Dacca Medical School to the status of a Medical College ;
 - (ii) establishing a Medical School at Mymensingh or Chittagong as the Government may think fit ; and
- (b) that the necessary funds—
 - (i) for the non-recurring expenditure be obtained by reducing the expenditure under the head 45—Civil Works in charge of the Public Works Department by two lakhs ; and
 - (ii) for the recurring expenditure be obtained by omitting the items of Rs. 50,000 for the improvement of pay and prospects of European Inspectors and Sergeants and the reorganisation and extension of the Indian Traffic Police, Rs. 24,550.

The President said :—

"No. 12 is already covered, so is No. 13(a) (ii). but I understand the Hon'ble Mr. P. C. Mitter will move 13(a) (i)."

The Hon'ble Mr. P. C. Mitter, in the absence of the Hon'ble Sir Deba Prasad Sarbadhikari, moved the following resolution :—

This Council recommends to the Governor in Council—

- (a) that provision be made in the Budget for a non-recurring expenditure of two lakhs and a recurring expenditure of Rs. 74,540 for—
 - (i) the purpose of raising the Dacca Medical School to the status of a Medical College ;

*Resolutions.**Mr. P. C. Mitter.*

(b) that the necessary funds—

- (i) for the non-recurring expenditure be obtained by reducing the expenditure under the head 45—Civil Works, in charge of the Public Works Department, by two lakhs; and
- (ii) for the recurring expenditure be obtained by omitting the items of Rs. 50,000 for the improvement of pay and prospects of European Inspectors and Sergeants and the reorganization and extension of the Indian Traffic Police, Rs. 24,550.

He said :—

“ After what has fallen from the Hon'ble Sir Henry Wheeler I propose to be very brief as regards the resolution which stands in the name of the Hon'ble Sir Deba Prasad Sarbadhikari, so far as item (a) (i) is concerned. My Lord, the question of the condition and the number of medical men generally in this province is a question which has great bearing on the question of the establishment of a medical college at Dacca. While I admit that Government has taken, if I may say so, a step in the right direction by establishing a medical school at Burdwan, the needs of the province are such that there is much scope for extension of medical education, whether it be in medical colleges or medical schools. My Lord, we are going to have a University at Dacca, and if we have a medical college at Dacca even on a modest scale, say, a college with about 50 students, it will be, I venture to submit, of great assistance to the University when it is actually established. My Lord, I hope in the residential University of Dacca the troubles and difficulties which we had in our University in Calcutta will not be repeated. I hope that the bulk of our students will not be forced to drift into law colleges for want of any better vocation in life. I hope, my Lord, that the establishment of this college will divert our youths from striving after Government appointments. When the needs of society require training of our educated men in the medical profession rather than in literary walks of life, we cannot blame those young men if they drift to law and Government service if the Government or the University does not provide for suitable education in other walks of life. I think it would be helpful if your Excellency's Government, which is so anxious to make the Dacca University a success, will do a little spade-work and start a medical college there in advance. My Lord, we know that medical education takes a fairly long time. It is generally divisible into three stages. The first is the stage of preliminary scientific training when the student is taught chemistry, physics, botany and zoology. In the second stage he is taught anatomy, materia medica, physiology and organic chemistry. In the third stage he is taught medicine, midwifery, biology, hygiene and medical jurisprudence. I believe it takes about six years. If your Lordship's Government is pleased to make a beginning now, the immediate expense will not be very much, but ultimately I think the expense estimated by my hon'ble friend Sir Deba Prasad Sarbadhikari, namely, a recurring expenditure of Rs. 74,540, would prove to be too little, but the question of ultimate expense is involved in the question of the total expense of the Dacca University as a whole. For the first year it will be the preliminary scientific course with which we shall be concerned. Of course we should not start a medical college unless your Excellency's Government is prepared to have a medical college there as soon as the Dacca University is started. But as I think your Excellency's Government will be so prepared, I venture to think that this is an additional reason why a beginning should be made as early as possible for starting a medical college at Dacca. The general aspects have already been discussed, and I do not propose to take up

*Resolutions.**Sir Nilratan Sarkar.*

the time of the Council long, but I would like to say this, my Lord, that after the last speech of the Hon'ble Sir Henry Wheeler, I do not think I would press for this resolution, if the Government would be pleased to accept the general idea of starting a college at Dacca, I leave it to the Government to find out whether money would be arranged from the grant for the Dacca University."

The Hon'ble Sir Nilratan Sarkar said :—

"My Lord, I have looked at the matter from the point of view of the future university of Dacca whether the University of Dacca would be complete without a medical college—I believe it will not be complete without a medical faculty. Such a defect would be extremely prejudicial to the interests of the University. In the first place such a defect would materially restrict the scope of the activity of the workers whose duty it would be to build up the fabric of the University. Many of the professors will miss the opportunity of making research work in connection with many of the sciences concerned in the study of medicine. Such a defect would also restrict the number of the careers open to the graduates of the University—careers which we need so much in Bengal, careers other than law. Sir, such a defect would deprive young men of the opportunity of growing under the constructive, creative and original influence of the training in the sciences of life. I have no doubt that very soon the defect of such a training would be found out in the new University if it were started without a faculty of medicine. Another effect of such a defect would deprive the University of the sympathy of future benefactors who would not come forward with endowments. No University in these days can depend upon grants from Government alone. The public must come forward with help and endowments, and it is not likely that the University without a medical faculty would enlist the sympathy or the enthusiasm of the public in this connection. It would be like a fungus baby with one of its most important limbs mutilated—not exactly a case of mutilation—but with one of the limbs stifled because already that limb is in a nascent state. Any medical school can be developed with a little effort into a well-grown college.

My Lord, there is the other side of the question—the question of indefinitely multiplying the number of medical men with higher training, but I submit that in our colleges the training given to medical students is not exactly what is called higher training in medicine. In Great Britain there is one standard of training prevailing in all the colleges and schools. In this country having regard to the circumstances prevailing here at present, there are two standards of training prevailing in different schools and colleges. In the colleges there is a higher standard than that prevailing in schools, but I submit that the standard that is prevailing in these schools will disappear in the course of time and that the time is not so very distant, and in the near future it will be quite possible that all our schools will be raised to the standard of existing colleges, and I believe that one advantage of the addition of one college in Bengal will be an acquisition to the people of Bengal generally and not to the people of Dacca only. As regards the practicability my hon'ble friend has already spoken, and I will not repeat it. I am concerned in showing that there is necessity from the point of view of the authorities and from the point of view of the professors and of the students. It would be a boon to the people of Eastern Bengal. It is a practicable scheme and the expense is not very high. Under the circumstances I submit that Government would kindly consider the desirability of establishing a medical college in the Dacca University from the very start."

*Resolutions.**Sir Henry Wheeler; Mr. P. C. Mitter.***The Hon'ble Sir Henry Wheeler** said :—

"My Lord, apart from such considerations as I have already represented and which more or less are relevant in this connection also, my chief objection to the acceptance of the resolution is that, as matters stand, it is somewhat premature. It has been recognised by both the Hon'ble Members who have spoken that the scheme is closely wrapped up with the project of the Dacca university. I find that when the details of a university at Dacca were first under consideration by a committee, it was proposed that medical students should be taught at Dacca up to the level of the first M. B. Examination, leaving them to come to Calcutta to complete their course. That was the definite proposal of the first committee. The total outlay involved under their proposals was, as probably we all know, very large, and in the hope of getting something done a call was made by the Government of India for what was known as the 'minimum scheme'; that was meant to cover the essential features of a university, which it might be possible to finance immediately and so make a beginning. In preparing the 'minimum scheme' this idea of medical education was jettisoned in order to lighten the ship, but even the 'minimum scheme' did not go through, as the whole matter then became involved in the investigations of the Calcutta University Commission, the result of which we are still awaiting. Therefore, obviously, when we get the report of the Calcutta University Commission, and see, as we hope we shall see, their recommendations in connection with the initiation of a university at Dacca, we shall have to consider what remarks, if any, they have made on the subject of medical education, and we shall then have to decide what we can do. But at present I find it difficult to give any assurance beyond that. The idea of a new medical college at Dacca has obvious attractions, as Sir Nilratan Sarkar has said, and a medical faculty is a desirable part of any complete university. We want to see the Dacca university a success, and we would willingly see it provided with these facilities, quite apart from any wish to enhance the status and reputation of the ancient city of Dacca. In all these ways, the scheme, as I say, is attractive. Again, Dacca has already a hospital which is considerably above the *mufassal* standard, and although there may be reasons for caution, I am prepared to investigate the facilities at Dacca for running a medical college. Of course Calcutta is an ideal centre for such an enterprise, largely because of its size, which gives ample material for clinical training, and because of the prospects which it offers of private practice, hospital experience, and general enhancement of medical reputation, which attract the pick of the service from Northern India as professors. Obviously in these respects Dacca will fall short of Calcutta, and that aspect of the question will have to be considered. I would ask the Hon'ble Members who have spoken to be content to leave it at that, that when we get the report of the Calcutta University Commission the question will receive our careful consideration."

The Hon'ble Mr. P. C. Mitter said :—

"My Lord, it cannot be doubted that there is need for extension of medical education and it cannot be doubted that wherever facilities for giving further medical education exist full advantage should be taken of such facilities. The Hon'ble Sir Henry Wheeler has been pleased to indicate that Government will take the matter up, although for certain reasons given by the Hon'ble Member Government is not prepared at the present moment to move quickly. I am sure that apart from the reasons given by the Hon'ble Member in charge, your Excellency's Government agree with our view. The difference between us is more a difference of one of ways and means than anything else. But when the time ultimately comes for consideration of the question perhaps it will be helpful for your Excellency's Government to

*Resolutions.**Mr. P. C. Mitter.*

know what the views of the Indian representatives in the Council are, and from that point of view especially I would press the resolution."

The question being put the Hon'ble Kumar Shib Shekhareswar Ray asked for a division. A division was then taken with the following result :—

Ayes—14.

The Hon'ble	Sir Nilratan Sarkar, Kt.
" "	Mr. Provasch Chunder Mitter, C.I.E.
" "	Kumar Shib Shekhareswar Ray.
" "	Mr. Arun Chandra Singha.
" "	Rai Radha Charan Pal Bahadur.
" "	Maulvi Abul Kasem.
" "	Maulvi A. K. Fazl-ul-Haq.
" "	Khan Sahib Aman Ali.
" "	Babu Bhabendra Chandra Ray.
" "	Rai Sri Nath Ray Bahadur.
" "	Rai Mahendra Chandra Mitra Bahadur.
" "	Babu Surendra Nath Ray.
" "	Babu Kishori Mohan Chaudhuri.
" "	Babu Ambika Charan Mazumdar.

Noes—26.

The Hon'ble	Sir Henry Wheeler, K.C.I.E., C.S.I.
" "	Mr. J. G. Cumming, C.S.I., C.I.E.
" "	Sir Bijay Chand Mahtab, K.C.S.I., K.C.I.E., I.O.M. Maharajadhiraja Bahadur of Burdwan.
" "	Mr. J. H. Kerr, C.S.I., C.I.E.
" "	Mr. C. J. Stevenson Moore, C.V.O.
" "	Mr. F. C. French, C.S.I.
" "	Mr. J. Donald, C.I.E.
" "	Mr. L. S. S. O' Malley, C.I.E.
" "	Mr. H. P. Duval.
" "	Mr. M. G. McAlpin.
" "	Mr. F. A. A. Cowley.
" "	Colonel J. K. Close, M.D., I.M.S.
" "	Mr. W. C. Wordsworth.
" "	Mr. C. F. Payne.
" "	Mr. S. G. Hart.
" "	Khan Bahadur Maulvi Aminul Islam.
" "	Sir Rajendra Nath Mookerjee, K.C.I.E.
" "	Mr. R. V. Mansell, O.B.E.
" "	Mr. W. H. H. Arden-Wood, C.I.E.
" "	Raja Hrishikesh Laha, C.I.E.
" "	Mr. L. V. N. Meares.
" "	Mr. F. W. Carter, C.I.E., C.B.E.
" "	Mr. W. E. Crum, O.B.E.
" "	Mr. W. H. Phelps.
" "	Mr. G. A. Bayley.
" "	Mr. H. R. A. Irwin, C.I.E.

The following members abstained from voting :—

The Hon'ble Rai Debender Chunder Ghose Bahadur.
 " " Dr. Abdulla-al-Mamun Suhrawardy.

The following members were absent :—

The Hon'ble the Nawab Bahadur of Murshidabad.

" " Mr. Aminur Rahman.
 " " Babu Siv Narayan Mukharji.
 " " Babu Brojendra Kishor Ray Chaudhuri.
 " " Sir Deba Prasad Sarbadhikari, Kt., C.I.E.
 " " Mr. M. Ashraf Ali Khan Chaudhuri.
 " " Mr. Altaf Ali.
 " " Babu Akhil Chandra Datta.
 " " Babu Mahendra Nath Ray, C.I.E.
 " " Mr. K. B. Dutta.

The ayes being 14 and noes 26, the motion was lost.

*Resolutions.**The President: Maulvi A. K. Fazl-ul-Haq.***APPENDIX TO THE LIST OF BUSINESS—ITEM No. 14.**

The following resolution stood in the name of the Hon'ble BABU AKHIL CHANDRA DUTTA:—

This Council recommends to the Governor in Council—

(a) that suitable provision be made in the next year's budget for establishing a Medical College at Dacca; and

(b) that the necessary amount be taken out of—

(i) the provision of Rs. 4,30,000 for the acquisition of land for the New Nurses' Quarters for the Medical College Hospital; and

(ii) the provision of Rs. 2,00,000 for the Nurses' Quarters, Medical College Hospital.

The President said: "Item No. 14 is covered by the decision at which the Council has just arrived."

APPENDIX TO THE LIST OF BUSINESS—ITEM No. 15.

The Hon'ble **Maulvi A. K. Fazl-ul-Haq** moved the following resolution:—

This Council recommends to the Governor in Council—

(a) that a lump provision of Rs. 4 lakhs be made for the relief of distress in the country consequent on the high prices of cloth; and

(b) that the requisite money be found by curtailing expenditure under the following sub-heads:—

	Rs.
(i) Agricultural Education ...	1,00,000
(ii) Experimental Farms ...	1,57,000
(iii) Agricultural Experiments ...	1,52,500
(iv) Divisional Seed Stores ...	30,000
(v) Sericulture ...	1,54,000

He said:—

"My Lord, I do not think I need take up the time of this Council by saying very many words as to the acute distress that is prevailing in this country in consequence of the high price of cloth. The complaint about this high price of cloth has been going on in this country for nearly two years, and although efforts have been made to bring some relief to the people, so far as can be said at the present moment, all these efforts have hitherto proved futile. I believe everyone who knows anything at all about the situation is most anxious that some relief should be afforded to the people, and the only question is one of ways and means. It has struck me in glancing through the various budget allotments that some money might profitably be set apart this year to relieve the distress from which the people are suffering. Coming to the suggestion that I have made I feel that I have suggested the curtailment of expenditure with regard to another department which appeals very largely to the imagination of the people and as to which also I might be accused of something like want of sympathy for a movement which is apparently of immense good to the agricultural population of the Presidency. I confess that in theory the department of agriculture is all that can be desired, but so far as my own personal experience goes, I do not think the

*Resolutions.**Kumar Shib Shekhareswar Ray.*

achievements of this department in improving the methods of agriculture have been such as to justify the large outlay which Government proposes to set apart with references to the activities of this department. I have suggested that the Rs. 4 lakhs be taken from the following sub-heads: (1) Agricultural education for which Rs. 1 lakh has been budgetted for. I do not quite understand what this agricultural education means. It is very good in theory, but I do not think the officers of the Agricultural Department have been so far successful in imparting any kind of education to the agriculturists either towards teaching them to improve their methods of agriculture or enabling them by the education that has been imparted by the department to make even one single blade of grass grow than they grew before. Whatever that may be, even conceding that some money should be set apart for agricultural education, I think Rs. 1 lakh is a little too much and some portion of it might be set apart for the purpose which I have in view in the first portion of my resolution. Then there comes the item Experimental Farms, under which there is a provision for miscellaneous expenditure to the extent of Rs. 81,000. I do not understand what this miscellaneous expenditure means, and unless I find something definite to prove that the department is going to undertake work of a substantial character, I am disposed to think that this Rs. 81,000 represents more or less a wasteful expenditure. Then the next item is Agricultural Experiments, and under this sub-head I find a provision of Rs. 1 lakh for the distribution of seeds. The distribution of seeds is not so urgently needed at the present moment, and even if some money is required I again consider that the provision that has been made is extremely liberal, at any rate not what the department could claim in view of their achievements in the past. Then there is the item of Divisional Seed Store, and under the head Seeds and Implements I find there is a provision of Rs. 32,000. Here again I consider this expenditure to be not justified by the work which the department will have in hand; and lastly there comes the item Sericulture, under which there is an allotment under the head miscellaneous of Rs. 60,000. I again confess I cannot understand what this miscellaneous expenditure is going to be. This seems to be an extravagance and having regard to the fact that we have not been given any explanations as to how this miscellaneous expenditure is going to be met, I will submit that this expenditure ought not to be sanctioned. If we add up the allotments that have been made under these various sub-heads I find that Rs. 4 lakhs can easily be budgetted out of these amounts which can be more usefully employed in relieving the distress owing to the high price of cloth than in carrying on experiments with the officers of the Agricultural Department—experiments which are more or less of a doubtful utility. I submit, therefore, for the consideration of this Council the resolution which stands in my name, and I hope it will be accepted by your Excellency's Government."

The Hon'ble Kumar Shib Shekhareswar Ray said :—

"My Lord, I rise again to oppose my esteemed friend. I admit that just at present there is an acute distress prevailing in the country owing to the abnormal rise in the price of cloth, but I also believe that we have somehow managed to get over the worst. In view of the probable increased output of cloth in England and transport facilities, I am sure that the prices would soon come down, and, moreover, we expect a good price for our jute this year. Thus, it would seem that much of the prevailing distress would soon cease to exist. I am, therefore, led to believe that my friend's resolution comes a bit too late to be of any real service to my countrymen. But what my chief objection to my friend's resolution is that he wants to curtail the expenditure on agriculture and allied subjects, and I beg to remind my friend that the Agricultural Department has been long neglected by the Government

*Resolutions.**Sir Henry Wheeler.*

It was my friend himself who on several occasions in the past brought this fact to the notice of the Government. Now that the Government have come forward to our help, I do not think it would be quite judicious on our part to ask them to curtail their expenses in this direction. In our country much depends on how the Government take to a subject. Because the Government neglected agriculture, we also found it hard to take to it. The whole thing appeared so vast and beset with difficulties that we became rather pessimistic and left it to the State to do what they could. Now, because the Government are enthusiastic about it, we too are considerably encouraged, and I am sure my community, I mean the landlords, would not fail to notice that the Government are showing active sympathy and would heartily co-operate with them. There is another matter, my Lord—some of the items under this head, as, for example, Sericulture, form part of a settled programme. Much has already been spent on them. If we now stop the work it would only mean a total loss of what has already been spent on them and, along with the monetary loss, it will mean a waste of much useful work. I would, therefore, request my Hon'ble friend not to press his resolution, and even if he does, I would appeal to him to leave the Department of Agriculture alone and cast his eye on some other really extravagant departments of the Government. Perhaps my Hon'ble friend thinks that the Agricultural Department is not properly worked. Well, if this is so, then it is our duty to watch the working of the department and not to give it up as hopeless."

The Hon'ble Sir Henry Wheeler said :—

"My Lord. I trust I may be excused from speaking at length on this resolution, firstly, because it was only a few days ago that we discussed at length this problem of cloth supply in Bengal, and secondly, because the Hon'ble Mover, as in another resolution which he has fathered to-day, has been little concerned with the actual proposal on which he desires to incur further expenditure, but has chiefly directed his criticisms to the working of a department from which he hopes to abstract some of its present allotments. I am particularly concerned with the cloth problem, and as regards that one finds it difficult to answer the resolution, as the Hon'ble Mover has told us so little as to what he wants to do with this large sum of Rs. 4 lakhs which he wishes us to put in the budget. He expressed a vague hope that, in some way undefined, we may relieve the distress consequence on the high price of cloth, but before we could consent to setting aside this very substantial sum, we may reasonably ask for something more definite. One can best consider the question in respect of those areas in which actual distress may prevail during the year—distress necessitating relief by Government measures in the ordinary sense. As regards the areas in which distress does not exist to that extent, but in which people are pinched, as they have been pinched all over the world, Government can hardly do anything. But as regards the first category, I said on the occasion of our debate about cloth the other day that if it seemed desirable, as a matter of relief, that facilities should be given for bringing in cheaper cloth into these areas, Government would consider that course as part of the machinery of assistance of distress, and if as a result of the Hon'ble Mr. Cumming's approaching visit to Bankura, Brahmanberia and elsewhere, we are told that it would help to give relief to the poor in those areas in which distress prevails in the matter of cheap cloth, we shall have to do our best to do so. But as regards the other areas, I cannot give the same assurance. The ordinary remedy which has been mooted since the price of cloth has risen is that of the manufacture of standard cloth and the placing of it upon the market. But the standard cloth scheme does not contemplate the incurring of expenditure by Government, so a provision of Rs. 4 lakhs is not necessary for the purpose. All that will be, and that is being, done in other provinces in the working of that

*Resolutions.**Maulvi A. K. Fazl-ul-Haq.*

scheme is to arrange for the supply of cloth at a particular price by special arrangements with the Bombay mills, to bring it to the local market, and to sell it at a price which covers the original cost and the transit expenses. There is little need to make a provision of Rs. 4 lakhs for this purpose, but, as I explained the other day, we have not hitherto thought it desirable to embark upon that enterprise. If we do not work the standard cloth plan in the usually accepted sense, what does this resolution really want us to do? If it desires us to exercise indiscriminate charity in the sense of buying cloth, whether it be standard or any other cloth, and placing it on the market at less than cost-price, accepting the difference as a legitimate charge against the general tax-payer, then I am afraid we must say we cannot contemplate such action. I am talking of areas in which distress does not prevail in the sense that Government has undertaken measures and recognized the necessity of relief. There is no doubt that people would be more happy if times were more normal, but in such areas we cannot contemplate a general pauperization of the people in the sense that we should buy a certain amount of cloth at a high price and retail it at less. Therefore, Sir, on the merits of the proposal I submit that a case has not been made out.

As regards the sources from which the Hon'ble Member would find the money, I scarcely think that to-day he has been as happy as usual in his proposals for retrenchment. He enumerates five heads which altogether cover approximately Rs. 6 lakhs, and he says that we can easily find Rs. 4 lakhs out of them. If we can easily find Rs. 4 lakhs, all I can say is that it reflects most seriously on the reckless carelessness with which Mr. Donald has passed the departmental budget, and I have no reason for thinking that Mr. Donald has shown any such extravagance. Therefore, practically, to take Rs. 4 lakhs out of Rs. 6 lakhs, obviously means breaking up the work of the Agricultural Department, which, as the Kumar Shib Shekhareswar Ray has said, is carrying out work of benefit and utility. Therefore, on neither ground can I advise the Council to accept this resolution."

The Hon'ble Maulvi Fazl-ul-Haq said :—

"My Lord, I have very little to add to what I have already said in respect of the recommendation contained in this resolution. It is true I have not been able to formulate any definite proposals as to how the money would be spent for the purpose of relieving the distress. The reason is that it is very difficult to make definite proposals unless and until the materials necessary for coming to a decision on a question like this are at one's disposal. But I thought that if the money could be procured, Government might by some means or other find out suitable means of utilizing the amount in undertaking work which Government has as much at heart as myself or any other member of this Council. The question of getting Rs. 4 lakhs out of the allotments of Rs. 6 lakhs under the various sub-heads in the Department of Agriculture has given rise to a little adverse criticism from my esteemed friend Kumar Shib Shekhareswar Ray. I did not for a moment belittle the importance of the Agricultural Department, but what I really meant is this—and the Kumar has already anticipated me there—that I do not think that the department is being properly worked, and I, therefore, feel that if this large money is placed at the disposal of the department it may not serve the very useful purpose which the Government has got in view. I do not wish to take up the time of this Council by going into details so far as this question is concerned, but I wish to point out to the Council one singular fact which will throw some light on the exact question which arises out of the proposals which I have made. We find in every year's budget provisions made of large sums of money for the distribution of seeds, for agricultural education and so forth. I know something of the condition prevailing in mufassal, but personally I have not

*Resolutions.**Babu B. C. Ray.*

yet come across any tangible results of the activities of this department within at any rate the last five or six years for which I have scrutinized the budget for the purpose of making suggestions for curtailing the expenditure of this department. When I say that the department is not being properly worked I mean in reality that they have already got more money than they can usefully dispose of, and I, therefore, see no merit in accumulating money for the purpose of the expansion of a department which has not yet shown its aptitude for taking up the work and spending the money as usefully as one would expect from a department like that of Agriculture. Then, as regards the question which has been discussed by Sir Henry Wheeler of purchasing cloth at a low price and distributing it in selected areas, that was not exactly what I meant when I gave notice of this resolution. As I have said I have no definite proposals to make and I have only suggested that the money should be set apart and if necessary expert advice should be taken in order that some definite scheme may be formulated for spending this money for the purpose which I recommend by means of this resolution. If Government thinks that the proposal cannot be accepted, of course there is an end of this matter; but I want once more to emphasize the fact that the distress prevailing in consequence of the high price of cloth is still a very acute one, and it is not quite correct to say that we have somehow managed to tide over the period of real difficulty. The distress is still real and very acute, and if not by the means I have suggested, some other means ought to be found for removing the acute distress that is now prevailing. I do not wish to waste the time of this Council and with these words I beg to recommend the resolution for the acceptance of this Council."

The motion was then put and lost.

APPENDIX TO THE LIST OF BUSINESS—ITEM No. 16.

The Hon'ble **Babu Bhabendra Chandra Ray** moved the following resolution:—

This Council recommends to the Governor in Council—

- (a) that an allotment of Rs. 2 lakhs be provided as subvention to the District Boards and the mufassal municipalities for enabling them to make arrangements for the retail sale of food-grains and other necessities of life at cost price in selected areas; and
- (b) that a corresponding reduction be made in the provision for the nurses' quarters in connection with the Calcutta Medical College.

He said:—

"My Lord, it is obvious that scarcity does not prevail all over the country in the same degree just now, though prices of rice, and particularly pulses, are very high everywhere. Relief in its usual forms can be expected to be organized only in localities where definite famine conditions prevail. And even then, the middle classes—who are in one sense the worst sufferers—are not benefited thereby, because they prefer to starve in secret, as pointed out by Mr. Vas in his appeal in connection with Bankura famine.

My Lord, I do not desire to take up any more time of the Council in discussing my proposal in details. I believe the resolution carries with it its conviction. It is to be hoped that my suggestion, if accepted, will enable the district boards and municipalities to bring relief to the door of such people as are now beyond the reach of existing relief organizations, without, at the same time, doing violence to Government's policy of non-interference with trade.

*Resolutions.**Mr. Cumming ; Babu B. C. Ray.*

Now, to turn to the retrenchment suggested by me, I think that if once the contention put forward by me is accepted, there is hardly any item in the budget which ought not to submit itself to a process of shearing. If I have selected the new nurses' quarters at the Medical College it is because I agree with Sir Henry Wheeler that they are 'unfortunately expensive', and for the additional reason that this capital expenditure may with advantage, be spread over two years."

The Hon'ble Mr. Cumming said :—

"My Lord, in this matter I do not think that it is necessary to say anything further than what was stated by the Hon'ble Sir Henry Wheeler on the occasion of the debate at the previous meeting of this Council. It was then stated that in the areas in which scarcity exists special measures might be taken. The Hon'ble Member proposes that Rs. 2 lakhs should be given to local bodies to enable them to make arrangements for the retail sale of food grains and other necessities of life. He qualifies his proposal by saying that he does not wish to effect any interference with trade, but I would suggest to him—how can any such arrangement be effected without interference with trade? In fact, it is self-evident that it is not a business proposition that Government should take over the detailed distribution of these articles. As regards the particular items that might be considered, I may mention what has been done and what can be done. As regards salt, it is within the knowledge of all members present that the situation has been considerably improved by ensuring a sufficient supply and also by taking measures regarding the price. As regards kerosene oil, another practical essential to the life of the mufassal, it may be said that the measures taken under Sir Henry Wheeler's auspices in co-operation with the great importers of oil, have been successful in ensuring as far as possible a fair supply at a fair price, and also in preventing profiteering as far as possible. There remains the item of food grains itself. As has been stated earlier in to-day's proceedings, Government will take measures within areas in which scarcity exists and the normal procedure of relief will follow. As regards the particular class of persons whom the Hon'ble Member has mentioned, viz., the middle class community who are reluctant to come forward for public relief, in the areas in which such people have been found special measures have been taken; and Government have already given special grants which have been placed at the disposal of the local charitable relief committees who may distribute relief at their discretion. These being the facts, Sir, I do not think it is sound to ask for a subvention; and certainly a subvention of Rs. 2 lakhs for the whole province of Bengal would be of very little benefit. I, therefore, consider that the resolution in its present form should not be accepted.

As regards the second portion of the resolution, viz., that money should be taken from the provision for the nurses' quarters in the Calcutta Medical College, the matter has already been the subject of debate, and Sir Henry Wheeler has placed before the members of Council the reason why no further deduction should be made from this head."

The Hon'ble Babu Bhabendra Chandra Ray said :—

"Knowing full well, my Lord, what the fate of my resolution will be, I do not wish to press it. Of course I am assured, and I have come to know that special arrangements have been made for the relief of the middle class people by giving money by charitable associations. I think it would be waste of time to press this resolution. I therefore beg leave to withdraw it."

The motion was then, by leave of the President, withdrawn.

*Resolutions.**Babu K. M. Chaudhuri; Mr. Cumming.***APPENDIX TO THE LIST OF BUSINESS—ITEM No. 17.**

The Hon'ble **Babu Kishori Mohan Chaudhuri** moved the following resolution :—

This Council recommends to the Governor in Council—

- (a) that at least three model dairies be started at suitable centres in the mufassal with special arrangements for the improvement of the cattle breeding ; and
- (b) that the sum required be met from a portion of the sum provided for agricultural education.

He said :—

" My Lord, Mr. Blackwood some time ago submitted his report in connection with the improvement of cattle in this province, and he suggested that cattle farms should be established here and there, and that would give a training to the people. It is in this connection that I bring forward this proposal. It is intimately connected with the improvement of agricultural education. What I say is this, that in these cases Government should show the way, and I suggest that three model dairies—whether three, two or one, it does not matter—may be started by Government. At least a beginning should be made. It will be a training-ground for the people in general, and it will serve the purpose of bull-rearing and improvement of cattle. People will learn by seeing the result of what is being done in the experimental agricultural farms, and they will see the utility of maintaining cattle, and what can be done for the supply of fodder, and how the supply of milk can be improved, and the benefits that can be derived. It is in this view that I have suggested the opening of a few model dairies, and I hope there will be no difficulty in accepting this resolution."

The Hon'ble Mr. Cumming said :—

" Sir, the request of the Hon'ble Member is to the effect that three model dairies should be started at suitable centres in the mufassal, special arrangements being made for the improvement of cattle breeding. It is somewhat difficult for Government to satisfy such contending requests as have been put forward to-day. On the one hand Government is accused of going too fast and too far in connection with agriculture and on the other hand of not going far enough or fast enough. The model dairy cannot be a commercial success if it is attached to a cattle farm. The main object is the improvement of cattle and not the sale of milk. We have already one such model dairy attached to the Rangpur farm, as regards which I made the following remarks at a recent meeting of this Council : ' Already there is an indication that the selection of the best cattle from acclimatized indigenous stock produces better results, both in the outturn of milk, and in bone and muscle. If this inference is supported, as time goes on, it will be desirable to create similar farms at many other places in the Presidency ; and this, I suggest, is the proper line of action for the improvement of cattle.' At the present moment I cannot recommend to the Council the starting of other dairies, inasmuch as the data to be obtained before taking such a step can only be obtained by the slow, gradual process of time ;" and we must see whether the data satisfy us that the selection of indigenous cattle is desirable. We shall, however, endeavour to open new farms with the ultimate object of improving the breed of the cattle and the milk supply in Bengal. But as the resolution stands at present I am afraid I must ask the Council not to accept it."

Resolutions.

Babu K. M. Chaudhuri; The President; Maulvi A. K. Fazl-ul-Haq.

The Hon'ble Babu Kishori Mohan Chaudhuri said :—

"My Lord, I have very little to add to what I have suggested. My idea is that it is intimately connected with agricultural education, and of any sum set apart for this purpose, a portion may be usefully utilized in starting these model dairies, which will have the effect of improving cattle-rearing, bull-rearing and other connected matters. Of course it is for Government to consider in what way it should be done, but it was recommended by Mr. Blackwood and in that connection I have brought forward this resolution. I beg permission to withdraw this resolution."

The resolution was then, by leave of the President, withdrawn.

The President said :—

"The Hon'ble Rai Radha Charan Pal Bahadur is absent for the moment on public duty elsewhere. In these circumstances I have agreed to the postponement of the motions (items Nos. 18, 19 and 22) standing in his name until he is able to return."

APPENDIX TO THE LIST OF BUSINESS—ITEM No. 20.

The Hon'ble Maulvi A. K. Fazl-ul-Haq moved the following resolution :—

This Council recommends to the Governor in Council—

- (a) that a lump provision of Rs. 3 lakhs be made for hostels for Muhammadan students in Calcutta and the mufassal ; and
- (b) that the money be provided for by a grant of Rs. 2 lakhs from the budget provision for Calcutta hostels (Rs. 2,89,000) and the mufassal hostels and messes (Rs. 1,09,376), and Rs. 1 lakh by a lump deduction from the budget provisions for the Departments of Fisheries and Director of Industries (26-B).

He said :—

"My Lord, I beg to move the resolution which stands in my name on the agenda paper. It will be in the recollection of this Council that this question has been pressed upon the attention of Government many times within the last few years, and if I have ventured to bring this question for discussion again to-day, it is in view of the fact that the question of hostel accommodation for Muhammadan students is becoming day by day one of increasing difficulty and also of urgency. I wish to place before the members of this Council for their consideration certain figures which I have collected and which will show how urgent and pressing is the necessity for providing hostel accommodation for Muhammadan students. To begin with, I wish to emphasize the fact that the need of the hostel accommodation for Muhammadan students is far more pressing than the necessity for such accommodation for non-Muhammadan students and for that purpose I will mention the following reasons amongst others. In the first place the existing hostel accommodation for Muhammadan students is insufficient as I would presently show ; secondly, if any private houses are hired and the students are to live there according to the rules and regulations of the University, there are

*Resolutions.**Maulvi A. K. Fazl-ul-Haq.*

very few Muhammadan landlords in Calcutta and the Hindu landlords are very reluctant to let Muhammadan students occupy their houses. I do not make this a point of complaint. It may be from their point of view the Hindu landlords are quite justified, but the result is that the Muhammadan students cannot, without much difficulty, hire a house belonging to a Hindu landlord. Then the Muhammadan students have, comparatively speaking, fewer relatives in Calcutta or in the headquarters stations in the mufassal with whom they can stay, and that again makes it very important that there should be hostel accommodation for them.

As regards my first point that the need for hostel accommodation is very pressing, I wish to submit for the consideration of your Excellency's Government the following figures. The total number of Muhammadan students in all the colleges in Bengal—I am speaking not merely of Calcutta but of the mufassal also—comes up to about 2,600. Of this number about 700 reside in hostels, about 350 with approved guardians, about 200 with their own guardians and about 150 in attached messes. And, therefore, it would appear that about 1,200 are living in very undesirable surroundings. Hostel accommodation is, therefore, needed for about 1,200 college students, not to speak of a large number of high school students. The need is greatest in Calcutta where the number of Muhammadan students—to be exact—is 1,483, of whom about 300 live in hostels, 110 in attached messes and about 510 reside in approved hostels as will appear from the following figures: in the Elliot hostel 45, in the Baker hostel 196, in the Tayler hostel 73 and in the Carmichael hostel 166. Therefore, it would appear that there are in Calcutta 575 students for whom there is no approved hostel accommodation. Now, my Lord, if there are 1,500 students in colleges and if we have only been able to find accommodation for about 950, it is high time that steps should be taken as early as possible to remedy a state of things which compel students to live not only in insanitary surroundings but also under conditions which are absolutely condemnable from all points of view.

I find that there are provisions in the budget for Calcutta hostels amounting to nearly Rs. 2,89,000 and for mufassal hostels amounting to Rs. 1,00,000. But I do not find anything in the budget to show what portion of the grants should be utilized, if at all, for hostels and messes for Muhammadan students. I think that out of this sum, a large portion should be set apart for the Muhammadan hostel, and if there is any residue left it might be got from the provision under the head Fisheries and Industries. Here again I touch upon controversial grounds. I am not denying the importance of the Departments of Fisheries and Industries, although I am not quite prepared to give a certificate of efficiency to the Department of Fisheries, but at the same time I think that out of the large allotments that have been made under these two heads some money might be found which could be set apart for Muhammadan hostels in Calcutta and mufassal. This is a matter about which there can be no difference of opinion, and it is a matter about which I know Government is extremely anxious, and, therefore, I need not take up the time of the Council by dwelling on this point at some length. Government themselves have acknowledged that as much money as could possibly be found should be spent on Muhammadan hostels and they have given their pledges on it from time to time. I have collected some figures—which I have reasons to believe are correct—to show that in Calcutta about 600 students and in Calcutta and mufassal together about 1,200 students cannot find any accommodation. Under these circumstances I think that more provision should be made under this head, and I do not know what stronger case I can make out for this need of the Muhammadan students and for more provision for it in the budget. With these words I commend the resolution for acceptance by your Excellency's Government."

*Resolutions.**Maulvi Abul Kasem ; Mr. Wordsworth.***The Hon'ble Maulvi Abul Kasem said :—**

" My Lord, I rise to support the resolution which has been moved by my hon'ble friend Maulvi Fazl-ul-Haq. In doing so I must in the first place acknowledge our gratitude to the Government of Bengal for the steps taken by them in providing hostel accommodation for Muhammadan boys in Calcutta and at certain mufassal towns, but what I submit, my Lord, is that the accommodation provided is as yet quite insufficient and further provision should be made. As has been said by my Hon'ble friend Government are only too anxious to provide such accommodation and to help the cause of advancement of Muhammadan education, and the only difficulty Government finds is that of ways and means. We, on our part, my Lord, have tried several measures in order to provide funds for the advancement of Muhammadan education, but we have failed in all directions, and naturally we have to fall back on public revenue. The need for Muhammadan hostels is specially necessary on account of the fact that the system of education now imparted in our collegiate schools is not well suited to the members of the Muhammadan community. We want to give some sort of home training and religious education ; that we cannot do unless we have special Muhammadan hostels. For that reason and also for the reason stated by the Hon'ble Maulvi A. K. Fazl-ul-Haq that the Muhammadan boys find it extremely difficult to find a place to live in during their student career, this makes our case strong enough for the favourable consideration of Government. As regards the amount to be secured by a deduction from the Department of Fisheries, I might remind this Council, my Lord, that a couple of years back I suggested the abolition of the department, and my proposal was criticized by the Hon'ble Member in charge as preposterous. For these few years, my Lord, I have tried to find out whether the Department of Fisheries has in any way helped either the cultivation of fish or has increased the supply in this province, but I fail to see any improvement at all. We have now a Director of Fisheries, and he has got a larger staff than he had formerly, on which much money is spent, but as yet we have had no tangible result of the work of the department beyond certain experiments which are as yet only of academic value and nothing more. I submit, my Lord, that the question of providing hostel accommodation for Muhammadan boys is a very important question and should receive early consideration at the hands of Government, and as soon as funds are available that provision should be made. I think that according to the relative importance of the Department of Fisheries and the provision of hostel accommodation for Muhammadan boys, preference should be given to the latter. With these remarks I beg to support the resolution of my Hon'ble friend."

The Hon'ble Mr. Wordsworth said :—

" My Lord, I would first say a word about the items that are proposed to be reduced. The first educational item is described as Rs. 2,89,000 for Calcutta hostels ; Rs. 1,89,000 of that is pledged to the University in continuation of schemes almost completed, and in view of the urgency of the case Rs. 1 lakh is pledged to the Civil Engineering College at Sibpur for certain improvements in their sanitation. The item Rs. 1,09,000 is not capable of reduction. This is an item of recurring expenditure and represents our proper recurring expenditure according to arrangements entered into with various hostels and colleges in the mufassal. I am informed that the budgets for the Departments of Fisheries and Director of Industries represent merely the actuals with the exception of Rs. $\frac{1}{2}$ lakh for development under the Director of Industries. This Rs. $\frac{1}{2}$ lakh itself is not capable of reduction because it is an instalment towards carrying out certain proposals made in the report of the Industrial Commission, and I am informed—although on

*Resolutions.**Maulvi A. K. Fazl-ul-Haq.*

this point I do not speak with authority—that a representation has already been made for an increase of the budget provision under this head.

Turning now to the constructive part of the resolution, I may remind the Council that the matter has been debated here several times, and that last year in particular it was discussed at some length. The Hon'ble Mover on that occasion after hearing the situation explained on behalf of Government, withdrew his resolution, and the language with which he withdrew it is this: 'I have taken the assurance of the Director of Public Instruction and beg to withdraw the resolution, especially as there is no help for it.' I trust, my Lord, that the assurance then given and now repeated will be accepted as equally satisfactory. If it was then agreed that the Department of Education had done its best to meet the needs of the Muhammadan community, I would venture to assure the Hon'ble Mover that there has been no relaxation of will and vigilance in the department since that time. For such purposes as are contemplated in this resolution we have as resources either Imperial grants or Provincial grants. The Imperial grants are distributed for such purposes and on such conditions as the Government of India may care to lay down. Provincial grants are distributed under the grant-in-aid system and the grants-in-aid system of the Government of Bengal is the contrivance for testing needs and differentiating them from mere wishes or aspirations. Judged by this test there are few needs in the Muhammadan community in the matter of accommodation in college hostels. We have a fairly elaborate machinery in the Education Department for finding out these needs. The University itself is always accessible and as a member of the Department of Education and of the University, I would say that very few needs have been brought to notice during the last year. It is rather a naive way of representing the situation to subtract the number of students in hostels from the total number in educational institutions and to assume that their number is a measure of the need. I am unable to accept that as a test of the situation; nor am I aware that the needs of the Muhammadan community in this respect are any greater than the needs of the Hindu community or of those classes that are known as backward classes. I would gladly see more provision made under this head if we were likely to spend it, but schemes mature slowly and, especially grants-in-aid schemes, depend on local contribution, and I am not acquainted with any scheme or needs or definite proposals that need pledge the department to greater expenditure during the next year than the expenditure already provided for. During the last three years we have spent practically Rs. 3 lakhs in capital expenditure for this purpose—I have not the figures for recurring expenditure immediately available. We have a number of schemes for hostels in Government institutions and non-Government institutions; the schemes for Government institutions come to about Rs. 1½ lakh and those for private institutions to Rs. 1,30,000, and only one new scheme has recently been presented to us; this will cost about Rs. 12,000; it is receiving attention, and if it matures, will be financed without delay. I, therefore, consider, my Lord, that we have sufficient provision in our budget for probable needs under the appropriate head of grants-in-aid, and I would assure the Hon'ble Mover that if our expectations are not fulfilled, and if the demand proves greater than our expectations, we strain every nerve and make every effort to meet the just needs of the Muhammadan community."

The Hon'ble Maulvi A. K. Fazl-ul-Haq said:—

"My Lord, I have placed certain figures before this Council for the consideration of the members and I may say that I took some pains to ascertain the facts as correctly as I could possibly do, and the figures that I have placed before the Council are, I believe, substantially correct. The Director of

*Resolutions.**Maulvi A. K. Fazl-ul-Haq.*

Public Instruction has said that it is not a good test to subtract the number residing in hostels and messes from the total number of students in colleges and schools, and then inferring from the figures arrived at that the question of hostel accommodation is of any great urgency or necessity. There is one little matter which I would respectfully like to remind him of and it is this: There are hundreds of students every year who cannot pursue their studies in Calcutta for want of sufficient hostel accommodation and who cannot take admission in colleges simply because of the insufficient accommodation in Muhammadan hostels. Therefore, the number which we have got at present on the college rolls—I mean the number of Muhammadan students—is much less than what it would have been if we had sufficient hostel accommodation for them. The absence of sufficient hostel accommodation really reacts on the number that take admission in colleges, and I think it is a very safe guide to find out whether the necessity is urgent or not by finding out how many of the college students are without any kind of hostel accommodation. It is true that on the last occasion when I brought this question up before the Council, the Director of Public Instruction speaking on behalf of Government was pleased to give me the assurance that the matter would receive his anxious consideration and that he would, as he has promised this afternoon, strain every nerve in its accomplishment if we could make out that the case of hostel for the accommodation of Muhammadan students is one of urgent necessity. It is very difficult for us to go about seeking students who go away from Calcutta disappointed by not getting seats in colleges and hostels and bringing every such instance to the notice of the Director. But, if he wishes it, I can do so, though I warn him that it would greatly interfere with his departmental duties if he is going to be besieged by an army of Muhammadan students every day. It is true that assurances have been given from time to time, and although I greatly acknowledge the efforts that have been made for providing hostel accommodation for Muhammadan students from time to time, within the last 12 years in this very Council, very little tangible effect has been produced towards that direction. I find various budget allotments, under the head Education which the department has not been able to utilize. I wonder how, with the anxious solicitude on the part of Government, grants that have been made by the Imperial Government and other large sums of money were allowed to lapse simply for want of suitable schemes for spending the money on—the money at the disposal of the Provincial Government. I cannot understand why with such a pressing need before them—a need to which attention of the Government is drawn every year in the Council by discussions and resolutions—that money is allowed to lapse for want of definite schemes. I do not wish to say anything further on the subject, because I find that I have not been able to convince the Director of Public Instruction that the need for hostel accommodation for Muhammadan students is really as urgent as I have represented it to be. I wish to challenge only that portion of his statement wherein he says that the difficulty of Muhammadan students in getting hostel accommodation is not greater than non-Muhammadan students. I have already pointed out the special difficulties of the Muhammadan students. I need not go into details. These difficulties do not stand in the way of non-Muhammadan students, and I have not come across one non-Muhammadan leader who has not acknowledged his anxious solicitude for Muhammadan education even at the sacrifice of the interests of his own community. Whenever we have brought up the question of Muhammadan hostel accommodation and Muhammadan education, we have received nothing but sympathy from the leaders of the non-Muhammadan communities. Because they appreciate our difficulties at the present moment they sympathize with us, and if I am to press this resolution to a division I am sure every one of them will vote for me. But I do not wish to take up the time of the Council. I brought up this matter for consideration and it rests with your Excellency's Government to accept it or not."

Resolutions.

Sir D. P. Sarbadhikari.

A division then taken with the following result :—

Ayes—9.				Noes—24.			
The Hon'ble Rai	Debender	Chauder		The Hon'ble Sir Henry Wheeler,	K.C.I.E.,	C.S.I.	
" "	Ghose Bahadur.			" " Mr. J. G. Cumming,	C.S.I.,	C.I.E.	
" "	Dr. Abdulla-al-Mamun			" " Sir Bijay Chand	Mahtab,		
" "	Sutrawardy.			" " K.C.S.I.,	K.C.I.E.,	I.O.M.,	
" "	Maulvi Abul Kasom.			" " Maharajadhiraja Bahadur			
" "	Maulvi A. K. Fazl-ul-Haq.			" " of Burdwan.			
" "	Khan Sahib Aman Ali.			" " Mr. J. H. Kerr,	C.S.I.,	C.I.E.	
" "	Rai Sri Nath Ray Bahadur.			" " Mr. C. J. Stevenson-Moore,	C.V.O.		
" "	Rai Mahendra Chandra			" " Mr. F. C. French,	C.S.I.		
" "	Mitra Bahadur.			" " Mr. J. Donald,	C.I.E.		
" "	Babu Kishori Mohan			" " Mr. L. S. S. O'Malley,	C.I.E.		
" "	Chaudhuri.			" " Mr. H. P. Duval.			
" "	Babu Ambika Charan			" " Mr. M. C. McAlpin.			
" "	Mazumdar.			" " F. A. A. Cowley.			
				" " Col. J. K. Close,	M.D.,	I.M.S.	
				" " Mr. W. C. Wordsworth.			
				" " Khan Bahadur Maulvi Aminul			
				" " Islam.			
				" " Sir Rajendra Nath Mookerjee,	K.C.I.E.		
				" " Sir Nilratan Sarkar,	Kt.		
				" " Mr. R. V. Mansell,	O.B.E.		
				" " Mr. W. H. H. Arden-Wood,	C.I.E.		
				" " Mr. L. V. N. Meares.			
				" " Mr. F. W. Carter,	C.I.E.,	C.B.E.	
				" " W. E. Crum,	O.B.E.		
				" " Mr. G. A. Bayley.			
				" " Mr. H. R. A. Irwin,	C.I.E.		
				" " Babu Surendra Nath Ray.			

The Hon'ble Kumar Shib Shekhareswar Ray abstained from voting.

The following Members were absent :—

The Hon'ble	Mr. C. F. Payne.
" "	Mr. S. G. Hart.
" "	The Nawab Bahadur of Murshidabad.
" "	Mr. Aminur Rahman.
" "	Raja Hrishikesh Laha, C.I.E.
" "	Mr. Provash Chunder Mitter, C.I.E.
" "	Babu Siv Narayan Mukharji.
" "	Babu Brojendra Kishor Ray Chaudhuri.
" "	Mr. Arun Chandra Singha.
" "	Sir Deba Prasad Sarbadhikari, Kt., C.I.E.
" "	Rai Radha Charan Pal Bahadur.
" "	Mr. W. H. Phelps.
" "	Mr. M. Ashraf Ali Khan Chaudhuri.
" "	Babu Bhabendra Chandra Ray.
" "	Mr. Altaf Ali.
" "	Babu Akhil Chandra Datta.
" "	Babu Mahendra Nath Ray, C.I.E.
" "	Mr. K. B. Dutt.

The Ayes being 9 and Noes 24, the motion was lost.

APPENDIX TO THE LIST OF BUSINESS—ITEM No. 21.

In the absence of the Hon'ble Sir Deba Prasad Sarbadhikari the following resolution which stood in his name went by default :—

This Council recommends to the Governor in Council—

- that a sum of Rs. 3 lakhs be provided in the budget for the improvement of private colleges ; and
- that the necessary funds be obtained by a corresponding reduction in the provision for Civil Works in charge of the Public Works Department.

*Resolutions.**Rai M. C. Mitra Bahadur.***APPENDIX TO THE LIST OF BUSINESS—ITEM No. 23.**

The Hon'ble Rai Mahendra Chandra Mitra Bahadur moved the following resolution :—

This Council recommends to the Governor in Council—

- (a) that provision be made for Rs. 5 lakhs for granting some allowance to all clerks drawing a monthly salary of one hundred rupees and less, employed under the Government of Bengal ; and
- (b) that the expenditure be met out of the grant of Rs. 34,20,000 provided in the budget for New Works (including Minor Works) under the head 45—Civil Works in charge of the Public Works Department.

He said :—

“My Lord, the resolution speaks for itself. I need not take much time of the Council in moving this resolution. It is well known to your Excellency's Government that the price of all food-stuffs such as rice, flour, ghee, mustard-oil, spices, etc., etc., and other necessities of life, e.g., cloth, medicine, etc., have risen abnormally high. The hard-worked clerks under your Excellency's Government drawing a monthly salary of Rs. 100 and below find it very difficult to make both ends meet and maintain the members of their family and dependents properly. It is no exaggeration to state that many have been obliged to take one meal a day. Respectable merchants have kindly increased the salary of their clerks and further granted them a war bonus. Persons employed in the printing department of the Government of India in Calcutta and also a large number of persons in the Postal and Telegraph Department clerks under the various provincial Government have been granted allowances as detailed below :—

Statement showing allowances sanctioned by different Local Governments and Imperial Departments.

Name of Local Government or Imperial Department.	Date from which the sanction has effect.	Rate of allowances sanctioned.
Post and Telegraphs	1st November 1917	Five per cent. of salary to all non-gazetted officers drawing pay up to Rs. 600 in addition to all other emoluments (i.e., grain compensation allowances).
	1st November 1918	Additional 5 per cent. of salary to all non-gazetted officers drawing pay up to Rs. 70.
Controller of Printing, Stamps and Stationery.	1st April 1918 ...	Five per cent. of salary to all members of superior establishment up to Rs. 600. Clerks drawing under Rs. 25 to get Rs. 25. Inferior servants to receive allowance under the Bengal Government scheme. These allowances may be drawn in addition to grain compensation allowance.
	1st November 1918	Additional 5 per cent. of salary to all members of superior establishment drawing pay up to Rs. 70.

*Resolutions.**Rai M. C. Mitra Bahadur.*

Name of Local Government or Imperial Department.	Date from which the sanction has effect.	Rate of allowance sanctioned.
Government of Madras.	1st January 1919	Rupees 4 when salary is Rs. 9 and under; Rs. 5 when salary exceeds Rs. 9 but not Rs. 16; Rs. 6 on salaries of Rs. 50 and under; men drawing over Rs. 50 but less than Rs. 56 should be given such sum as is necessary in each case to bring the pay to Rs. 56. Grain compensation allowance is not admissible in addition.
Mysore Presidency (Bangalore).	1st March 1918 ...	Five per cent. of salary to all public servants drawing Rs. 50 and less in addition to grain compensation allowance.
United Provinces of Agra and Oudh.	1st December 1918	Rs. 4 to all whole-time Government servants on pay exceeding Rs. 30 but not exceeding Rs. 50 till declaration of peace.
Punjab Government	1st October 1918	Five per cent. of salary to all public servants drawing Rs. 50 and less in addition to grain compensation allowance.
Government of Bombay.	1st January 1918	Thirty-three per cent. on salary from Rs. 20 to Rs. 30; 25 per cent. on salary above Rs. 30 to Rs. 70; minimum pay of all clerical appointments to be raised to Rs. 20 and war allowance paid on it; and Rs. 4 to other superior servants on pay less than Rs. 20. Rs. 4 to inferior servants. Grain compensation allowance is not admissible in addition. (It has also been decided that a substantial portion of this allowance is to be eventually consolidated in pay.) Those drawing between Rs. 30 and Rs. 32 to be brought by an allowance to Rs. 40 and those above Rs. 70 to be brought to Rs. 87-8.
Central Provinces...	1st October 1918	Rupees 3-8-0 to all whole-time Government servants drawing Rs. 16 and less; Rs. 6 to those drawing more than Rs. 16 but less than Rs. 50. (Grain compensation allowance is not admissible in addition.) Men drawing over Rs. 50 but less than Rs. 56 should be given such sum as is necessary in each case to bring the pay up to Rs. 56.

Building materials including bricks are very costly now. If the construction of buildings be postponed for a year, the charges will be less. I, therefore, move this resolution for the kind consideration of your Excellency's Council that provision be made for Rs. 5 lakhs for granting some allowance to the clerks and this expenditure be met from the grant of Rs. 34,20,000 provided in the budget for new works (including Minor Works) under the Head 45—Civil Works in charge of the Public Works Department.

The question for consideration is whether the prices of food-stuffs and other necessities of life has risen abnormally high. On a previous occasion I brought to the notice of your Excellency's Council that this is a fact which cannot be denied and it is beyond dispute, and labouring under that idea I have ventured again now to bring forward the case of poor and hard-working clerks to your Excellency's notice. It is not necessary for me to plead their

*Resolutions.**Sir Henry Wheeler.*

case, but I base my arguments entirely upon facts. I have brought the matter to your Excellency's Council, and it would be an act of justice to take their case into consideration and increase their pay as suggested by me. With these words, my Lord, I commend the resolution to your consideration."

The Hon'ble Sir Henry Wheeler said :—

"My Lord, this resolution is by way of being an echo of a resolution which was moved by the Hon'ble Maulvi Fazl-ul-Haq at Dacca on the 19th August last, with this difference that while that resolution referred to public services in general, the present resolution refers only to clerks. Otherwise the Hon'ble Maulvi Fazl-ul-Haq made a somewhat similar proposal to that now put forward. I then opposed it on the general ground that in these days of economy we cannot always be as generous as we would like to be; at that time grain prices were not high, which was a great relief to the poorer classes, and what we had done was mainly directed towards helping our menial establishments. With reference to them we had given relief involving an expenditure of Rs. 4 lakhs, out of a total scheme which would have entailed an outlay of some Rs. 17 lakhs. I said that, all things considered, that was about as far as we found that we could go. The proposal of last August is now practically repeated, but a general proposition of this kind should not be allowed to obscure the fact that in individual cases, according as they arise and according to their merits, we do give, and have given, relief even since August last to various lowly paid servants of Government. I have already referred to the fact that we have raised the pay of the menial servants in certain of the Calcutta hospitals. We have raised the pay of our press establishment on the lines of the action taken by the Government of India, which are included in the statement which the Hon'ble Member read out, and in the budget of this year we have a provision for helping the lowly paid clerks in the Registration Department. Therefore, it is not correct that we are unmindful of the needs of these low paid establishments, and in minor cases their grievances are constantly coming before us. That being so, the question is whether we should undertake a liability for this very large expenditure which the Hon'ble Mover estimates at Rs. 5 lakhs. I am not aware on what basis he has arrived at these figures, and bearing in mind that what we recently did for our menial staff involved us in an expenditure of Rs. 4 lakhs, I should think any measure of relief on the scale he has outlined must be a decidedly more expensive matter than he has mentioned. I do not think, Sir, that we should be justified even if we found the money, which it would be very difficult to do, in undertaking the liability suggested, and neither do the precedents that he has given us altogether make out a case for so doing. It is perfectly true that relief has been given to the Post and Telegraph Departments as well as to the Press and Railway establishments, but these are under the control of the Government of India and are more or less commercial departments which were subjected to a very heavy strain during the war, and I imagine that to that fact weight was attached. But apart from those instances, I cannot find in the statement a single province that has gone up in the way of relief to anything like those who are drawing Rs. 100 or under. Bombay seems to have gone up to those in receipt of Rs. 70, but the conditions of Bombay have been very special ever since the beginning of the war; references to it have appeared in the papers, and I mentioned it in this Council, in particular, in the course of the Dacca debate. Otherwise other provinces do not seem to have admitted to help anyone drawing more than Rs. 50, and even such action has been taken only in Madras, the United Provinces, the Punjab and the Central Provinces, in all

*Resolutions.**Rai R. C. Pal Bahadur:*

of which areas, I may remind the Council, famine conditions are prevailing, which is not the case with us here in Bengal. On the precedents, therefore, I do not think the Hon'ble Member has justified his claim that we should help everybody up to Rs. 100, and the most I can hold out any hope of doing is in connection with papers which have just been handed to me to-day in Council. I see that in connection with one of these complaints which are constantly coming up from various sections of our staffs, we have been trying to work out a proposal to extend grain compensation allowance, possibly, to the clerical establishments in receipt of Rs. 30 and under. Grain compensation allowance, as the Council is aware, is an allowance which has now been in force for some years, and in this province it is regulated by orders passed in 1912. Its general principle is that it is regulated by a standard price of grain; if grain rises above a certain price those in receipt of a pay of Rs. 12 and under automatically get certain additions to their pay. In these papers it is suggested that we might give a similar measure of relief to clerks who are in receipt of Rs. 30 and under, and for that there is some precedent, since this Rs. 30 rate was in force at one time in place of Rs. 12 which is now adopted. I am willing to examine this suggestion further, and if we can see our way to find the money and work out a practical scheme on these lines, I will prepare a case and put it before your Excellency and my Hon'ble colleagues. There is some justification for doing so, as in my remarks at Dacca in August last I claimed that food prices were low; that, unfortunately, is no longer correct, although the prices are even now not as high as they have been in past years. However, they are not now low, and I think it is arguable that we should try and do something on these lines. I cannot be more explicit as I have not had time to examine the figures and work out details, but as a general measure of relief it looks as if something of this kind might be feasible. It does not go as far as the Hon'ble Member represents, but as I have explained, the conditions here are not the same as in other provinces, and we cannot go as far as he would wish. It is not unfair that we should relieve those drawing Rs. 30 and under, because it is those on the lowest rates of pay who have the first claim on our sympathy. I cannot accept the resolution, but I offer this possible solution to the Hon'ble Member for what he may consider it to be worth."

The Hon'ble Rai Radha Charan Pal Bahadur said :—

"My Lord, I rise to support the motion of my Hon'ble friend the mover of the resolution, and in doing so I may say that I have listened with very great attention, as far as I could hear, the observations of the Hon'ble Member who spoke on behalf of Government. My Lord, I acknowledge with gratitude that relief has been given in individual cases in the case of menial servants in hospitals, in the case of the press establishment and in the case of some low-paid clerks in the Registration Department. But, my Lord, the members of your Excellency's Government and the experienced members of the Indian Civil Service who are Government members here are well aware of the fact that the poorer *bhadralog* classes have been much impoverished in recent times. They are, generally speaking, people of very moderate means, earning Rs. 2 or Rs. 3 a day. They belong generally to the smaller trading community and also to the subordinate clerical establishment of Government. And, although, I observed a note of sympathy in the observations that have fallen from the Hon'ble Sir Henry Wheeler that he is prepared to grant some grain compensation allowance to clerks drawing up to Rs. 30 a month, I would ask him and your Excellency to consider this fact that in these days a man earning Rs. 2 a day cannot maintain a family of 10 or 12 heads, and such persons have consequently to starve on one meal a day

*Resolutions.**Rai M. C. Mitra Bahadur.*

or run into debt. I am not exaggerating, and I feel bound to give expression what is already prevailing in Bengal. I would respectfully ask your Excellency and specially the members of your Excellency's Executive Council to consider how it is possible for a *bhadralog* earning Rs. 2 or Rs. 3 a day to maintain a family of 10 or 12 persons in these days of high prices of food-stuffs and cloth and everything else. There is lamentation throughout the country. Of course, I know it is so all over the world. But in those countries Government is prepared to help the people under their charge, and if I may be permitted to make a suggestion, your Excellency's Government may be pleased to raise the Rs. 30 standard to a maximum of Rs. 60. It will then to some extent relieve the distress of the poorer *bhadralog* classes who are very hard pressed in these times of high prices. They are a mute class and they do not shout forth their grievances from public platforms or send lengthy memorials to Government. But all the same they are a long-suffering class and, therefore, if the Government can see their way to raise the maximum to Rs. 60 it will be received with as much gratitude as the announcement of the exemption from income-tax of incomes below Rs. 2,000 a year. If the Government of India can show that generosity I think your Excellency's Government can also extend their generosity by granting a grain compensation allowance to persons getting Rs. 60 a month or under. Mention has been made of the Post and Telegraph men who, it has been said, have been granted allowances because they worked very hard during war time. No doubt they have worked hard, but they surely got extra remuneration. Besides, the Posts and Telegraphs men are comparatively better paid than the class I am speaking of who are getting Rs. 60 and under and towards whom, I hope, the same concession will be shown. In Bombay, it has been stated, allowances are given to those who are drawing Rs. 70 or under—I do not know whether I have heard the Hon'ble Member right—but if that is so, I think it will be no extravagance if we extend the allowance to men drawing Rs. 60 or under. I hope this question will be sympathetically considered and that something will be done to give relief to the poorer *bhadralog* classes."

The Hon'ble Rai Mahendra Chandra Mitra Bahadur said :—

"My Lord, I have listened to the speech delivered by the Hon'ble Sir Henry Wheeler. I consider it a very important subject, because, when I put to the Council the condition of those clerks who are suffering much, I think I should also appeal to the generosity of your Excellency's Government. The Hon'ble Rai Radha Charan Pal Bahadur has said that they are suffering much; they are toiling much from day to night; no one to take care of them and no one to plead for them. Now, that, my Lord, is the position of these clerks. It is very gratifying to hear from what the Hon'ble Member of Government has said that Government will consider the case of those who are drawing Rs. 30 or so. My proposal is to the effect that the case of those who are drawing monthly Rs. 100 or below should be considered. The state of things if described properly to the Council is that every person who knows the conditions of life of these poor clerks will sympathize with me when I put forward the resolution. I repeat once more that your Excellency's Government ought to take notice of these poor clerks. I did not formulate the amount which is to be fixed as increased pay over the amounts which these men are drawing. The reason is simply because I left the matter entirely to Government officers to settle. It is not for me to formulate or to put forward an *ipse dixit* on the point, but I left the case to the Government and the consideration of the Council."

*Resolutions.**Rai M. C. Mitra Bahadur.*

A division was then taken with the following result :—

*Ayes—7.**Noes—23.*

The Hon'ble Sir Nilratan Sarkar, Kt.

The Hon'ble Sir Henry Wheeler, K.C.I.E., C.S.I.

" " Rai Debendra Chandra Ghose Bahadur.

" " Mr. J. G. Cumming, C.S.I., C.I.E.

" " Rai Radha Charan Pal Bahadur

" " Sir Bijay Chand Mahtab, K.C.S.I., K.C.I.E., I.O.M., Maharajadhiraja Bahadur of Burdwan.

" " Rai Mahendra Chandra Mitra Bahadur.

" " Mr. J. H. Kerr, C.S.I., C.I.E.

" " Babu Surendra Nath Ray.

" " Mr. C. J. Stevenson-Moore, C.V.O.

" " Babu Kishori Mohan Chaudhuri.

" " Mr. F. C. French, C.S.I.

" " Babu Ambika Charan Mazumdar.

" " Mr. J. Donald, C.I.E.

" " Mr. L. S. S. O'Malley, C.I.E.

" " Mr. H. P. Duval.

" " Mr. M. C. McAlpin.

" " Mr. F. A. A. Cowley.

" " Col. J. K. Close, M.D., I.M.S.

" " Mr. W. C. Wordsworth.

" " Mr. S. G. Hart.

" " Khan Bahadur Maulvi Aminul Islam.

" " Sir Rajendra Nath Mookerjee, K.C.I.E.

" " Mr. R. V. Mansell, O.R.E.

" " Mr. W. H. H. Arden-Wood, C.I.E.

" " Kumar Shib Shekhareswar Ray.

" " Mr. F. W. Carter, C.I.E., C.S.I.

" " Mr. W. E. Cron, O.B.E.

" " Mr. G. A. Bayley.

" " Mr. H. B. A. Irwin, C.I.E.

The following Members were absent :—

The Hon'ble Mr. C. F. Payne.

" " The Nawab Bahadur of Murshidabad.

" " Mr. Aminur Rahman.

" " Raja Hrishikesh Laha, C.I.E.

" " Mr. L. V. N. Meares.

" " Mr. Provash Chunder Mitter, C.I.E.

" " Babu Siv Narayan Mukharji.

" " Babu Brojendra Kishor Ray Chaudhuri.

" " Mr. Arun Chandra Singha.

" " Sir Deba Prasad Sarbadhikari, Kt., C.I.E.

" " Mr. W. H. Phelps.

" " Dr. Abdulla-al-Mamun Suhrawardy.

" " Maulvi Abu Kasem.

" " Mr. M. Ashraf Ali Khan Chaudhuri.

" " Maulvi A. K. Fazl-ul-Haq.

" " Khan Sahib Aman Ali.

" " Babu Bhabendra Chandra Ray.

" " Mr. Altaf Ali.

" " Rai Sri Nath Ray Bahadur.

" " Babu Akhil Chandra Datta.

" " Babu Mahendra Nath Ray, C.I.E.

" " Mr. K. B. Dutt.

The ayes being 7, and the noes 23, the motion was lost.

ADJOURNMENT.

The Council here adjourned to Friday, the 14th March, 1919, at 11 A.M.
at Government House, Calcutta.

A. M. HUTCHISON,

*Secy. to the Govt. of Bengal and
Secy. to the Bengal Legislative Council (Offg.).*

CALCUTTA,

The 31st March, 1919.

Abstract of the Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act, 1915.

THE Council met in the Council Chamber at Government House, Calcutta, on Friday, the 14th March, 1919, at 11 A.M.

Present:

HIS EXCELLENCY THE RIGHT HON'BLE LAWRENCE JOHN LUMLEY DUNDAS, EARL OF RONALDSHAY, G.C.I.E., Governor of the Presidency of Fort William in Bengal, presiding.

The Hon'ble SIR HENRY WHEELER, K.C.I.E., C.S.I.

The Hon'ble MR. J. G. CUMMING, C.S.I., C.I.E.

The Hon'ble SIR BIJAY CHAND MAHTAB, K.C.S.I., K.C.I.E., I.O.M., MAHA-RAJADHIRAJA BAHADUR OF BURDWAN.

The Hon'ble MR. J. H. KERR, C.S.I., C.I.E.

The Hon'ble MR. C. J. STEVENSON-MOORE, C.V.O.

The Hon'ble MR. F. C. FRENCH, C.S.I.

The Hon'ble MR. J. DONALD, C.I.E.

The Hon'ble MR. L. S. S. O'MALLEY, C.I.E.

The Hon'ble MR. H. P. DUVAL.

The Hon'ble MR. M. C. McALPIN.

The Hon'ble MR. F. A. A. COWLEY.

The Hon'ble COLONEL J. K. CLOSE, M.D., I.M.S.

The Hon'ble MR. W. C. WORDSWORTH.

The Hon'ble MR. O. F. PAYNE.

The Hon'ble MR. S. G. HART.

The Hon'ble KHAN BAHADUR MAULVI AMINUL ISLAM.

The Hon'ble SIR RAJENDRA NATH MOOKERJEE, K.C.I.E.

The Hon'ble SIR NILRATAN SARKAR, Kt.

The Hon'ble Mr. R. V. MANSELL, O.B.E.

The Hon'ble Mr. W. H. H. ARDEN-WOOD, C.I.E.

The Hon'ble Mr. L. V. N. MEARES.

The Hon'ble MR. PROVASH CHUNDER MITTER, C.I.E.

The Hon'ble KUMAR SHIB SHEKHARESWAR RAY.

The Hon'ble RAI DEBENDER CHUNDER GHOSE BAHADUR.

The Hon'ble RAI RADHA CHARAN PAL BAHADUR.

The Hon'ble Mr. F. W. CARTER, C.I.E., C.B.E.

The Hon'ble MR. W. E. CRUM, O.B.E.

The Hon'ble MR. W. H. PHELPS.

The Hon'ble MR. G. A. BAYLEY.

The Hon'ble MR. H. R. A. IRWIN, C.I.E.

The Hon'ble DR. ABDULLA-AL-MAMUN SUHRAWARDY

The Hon'ble MAULVI ABUL KASEM.

The Hon'ble MR. M. ASHRAF ALI KHAN CHAUDHURI.

The Hon'ble KHAN SAHIB AMAN ALI.

The Hon'ble RAI SRI NATH RAY BAHADUR.

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR

The Hon'ble BABU SURENDRA NATH RAY.

The Hon'ble BABU KISHORI MOHAN CHAUDHURI.

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR.

*Resolutions.**Babu A. C. Mazumdar.*

[The discussion on the Resolutions on the Revised Financial Statements was resumed.]

APPENDIX TO THE LIST OF BUSINESS—ITEM No. 24.

In the absence of the Hon'ble Sir Deba Prasad Sarbadhikari the following resolution which stood in his name went by default :—

This Council recommends to the Governor in Council—

(a) that a sum of rupees five lakhs be provided in the Budget for—

(i) providing counter-attractions against drink and drug habits in Calcutta and selected district towns ;

(ii) improving the pay and prospects of the Excise service ; and

(iii) facilitating temperance teaching in educational institutions ; and

(b) that the necessary funds for the purpose be obtained by reducing to the necessary extent the charges for Civil Works in charge of the Public Works Department.

APPENDIX TO THE LIST OF BUSINESS—ITEM No. 25.

The Hon'ble Babu Ambika Charan Mazumdar moved the following resolution :—

This Council recommends to the Governor in Council :—

(a) that a sum of Rs. 75,000 be provided in the budget of 1919-20 for the construction of the proposed record-room at Faridpur for the custody of the District Settlement records ; and

(b) that this sum be met—

(i) by curtailment of the provision for " Criminal Investigation Department " under head 20—Police ; or

(ii) from the provision made for " sub-deputy collectors as circle officers " under head General Establishment.

He said :

" My Lord, the subject matter of this resolution is one of purely local interest, and I cannot expect to attract much sympathy from the non-official members of this Council, so I shall mainly appeal to the official members of the Council. I think, at the very outset I ought frankly to confess that I do not pretend to be altogether so very disinterested in this matter as the wording of this resolution might apparently indicate. Your Excellency is aware that a College has recently been established at Faridpur mainly through your Excellency's generous considerations, and I take this opportunity of giving public expression to the debt of gratitude which the Faridpur people owe to your Excellency personally in this connection. It was your Excellency who as Governor of the Presidency granted the land required for the College without which the project would have been nipped in the bud and again it was your Excellency who as Rector of the University obtained the affiliation of the College under circumstances of no ordinary difficulty. My Lord, the humble individual who is now addressing you will always remember with gratitude and respect the generous considerations which your Excellency has from time to time shown for the accomplishment of this project. Now, my

*Resolutions.**Babu A. C. Mazumdar.*

Lord, the land granted by the Government for this College contains an old building which the College Council has purchased from the Municipality, but it is occupied at the present time with the settlement records of the district. In granting this land your Excellency's Government insisted upon two conditions, namely, that the College building in whatever shape and form it might be started at the beginning must be constructed independently of, and perfectly detached from, this old building and the other condition was that this old building though purchased from the Municipality would not be given to the College authorities until Government were in a position to remove these valuable records somewhere else. The College Council has loyally submitted to both these conditions and the College building which is now nearing completion is being constructed entirely on one side of this old building and perfectly detached from it. The College has fortunately proved a success much beyond our expectation, and there seems to be a great future before it. Although we have in constructing this new building provided for nearly 500 students I believe as the run for admission in the College seems to be so great that probably even with this building the accommodation will be found insufficient, so that the College Council will shortly have to look to this old building for further expansion of the College. This old building which is now occupied by the settlement records cannot be availed of until Government constructs a record-room of its own. It may be remembered that an estimate was prepared soon after the completion of the settlement in the district of Faridpur for the custody of the settlement records—a portion of the materials was also collected and they are still lying on the ground where the building is to be constructed, but soon after the project was started the war broke out and the matter was allowed to drop. This has involved some loss also to Government, as in keeping the settlement records in this old building Government have to maintain a separate establishment of not only record-keepers and copyists but also a number of guards, and besides it has to pay a rent of Rs. 720 a year to the municipality for the use and occupation of this building. With all this, my Lord, the supervision of the Collector over this building is very imperfect for the reason that this building stands, on an isolated ground far remote from the other buildings of the Collectorate. The valuable records are kept in this building in huge masses. My esteemed friend, the hon'ble Mr. Wordsworth, who went to inspect the locality at the very inception of our project knows very well how heavily it is stuffed from floor to ceiling with these records with scarcely two feet of space between each two racks for a man to pass through and then these records are being subjected to ravages of cockroaches and whiteants: so that the sooner the Government construct the record-room which was already in contemplation in 1914 the better for Government as also for the College, because in that case the College authorities will be in a position to utilize this building and expand the College further.

In placing this resolution before your Excellency's Council I have referred to two sources from which money might be drawn—first, from the allotment made for the Criminal Investigation Department under head 20—Police. My Lord, from the Financial Statement it will be seen that ever since 1915-16 the provision under this head has steadily gone on increasing. I think we live in much calmer times at the present moment. Whatever the situation might have been in 1916-17 I think we have passed the breakwater-line and are now sailing on a much smoother water. Consequently I think it will not be too much for me to expect that the provision for the Criminal Investigation Department, however necessary it may be, is susceptible of some reduction when affairs are so much changed for the better. The second source to which I have referred is the allotment for 'Sub-Deputy Collectors as Circle officers'. I would be the last man to ask for any curtailment from the allotment for the expansion of village self-government, but I do not know if I am labouring under a mistake. It seems to me that the Village Self-Government Bill, as amended by the Select Committee, does away with circle

*Resolutions.**Mr. Cumming; Babu A. C. Mazumdar.*

boards which was the original intention of the Bill, and if the circle boards are eliminated I doubt if the Circle officers should not go with it. In this view I have referred to this source also. I do not know, my Lord, if I am quite happy in my suggestions about the sources, but whatever that may be if I have made out a good case for the construction of a room for settlement records I believe Government will be able to find money—not a very large sum—in order to complete the record-room at Faridpur and thereby not only preserve the records in a much better form and condition but also provide expansion for a college for which the Government has done so much. With these observations I commend the resolution to your Excellency's Council."

The Hon'ble Mr. Cumming said :

My Lord, as the Hon'ble Member has stated, this resolution is one of purely local interest, but even so I am glad to be in a position to meet the Hon'ble Member, although not perhaps to the extent as stated in his resolution. The project to which he has referred, viz., the construction of a record-room at Faridpur is mutually advantageous both to Government and to the Faridpur Rajendra College, the construction of which is so near to his heart. On the one hand, this project has been an important one for which Government have been desirous of supplying funds for several years. It was administratively approved five years ago. As the Hon'ble Member has explained, the existing arrangements are by no means suitable and owing to the difficulties which have arisen on account of the war it was not possible to obtain the materials which were required; and so the project has been allowed to remain in a state of suspension. It is now hoped that it will be possible to make a start with the building in the present year. On the other hand the proposal is primarily in the interest of the college for which Government have given a grant of land of over 5 acres in the immediate vicinity of this building; and my last visit to Faridpur has confirmed me as to the suitability of the proposed arrangement whereby the existing record-room should be given up for the purposes of the college as soon as possible. On these two grounds, Sir, that it is advantageous to Government and advantageous to the new college, an endeavour will be made to erect the building during the ensuing year. The Hon'ble Member, however, has entered a sum of Rs. 75,000 and has made a suggestion that it should be met from two heads. Government, however, think it more appropriate that the money should be supplied from another head regarding the diversion of which there can be no dispute. We have a sum of Rs. 40,000 under the heading of General Administration which is immediately available for diversion; and, if the Hon'ble Member would be prepared to substitute Rs. 40,000 for Rs. 75,000 in the substantive part of his resolution and will cancel clause (b), he may rely on Government that the financing of the building will be started and carried out in due course. So far as this resolution goes, Government will accept it if the Hon'ble Member accepts the changes to be made which I have indicated.

The Hon'ble Babu Ambika Charan Mazumdar said :

My Lord, after the very kind assurance which has been given by the Hon'ble Mr. Cumming I do not think I need press for a division in this case. I am glad that something is being done in this direction, whether it be Rs. 75,000 or Rs. 40,000 it will not matter much. As the Hon'ble Mr. Cumming has said, I know that if Government once takes it up it will be able to complete this building within a much shorter time than we can possibly expect. I again thank Government and the Hon'ble Mr. Cumming for the suggestion he has made and with your Excellency's permission I would beg leave to say that instead of Rs. 75,000 it may be reduced to Rs. 40,000 to

Resolutions.

Sir Henry Wheeler ; The President ; Babu A. C. Mazumdar ; Babu A. C. Datta.

suit the convenience of the department, and that it may be taken from the General Administration head.

The Hon'ble Sir Henry Wheeler said :

My Lord, I would like to say just a word to elaborate what the Hon'ble Mr. Cumming has said about the source from which this allotment is to be taken. I do not wish Hon'ble Members to think that there are odd sums of Rs. 40,000 lying about in the budget which can without inconvenience be diverted to other purposes. The head to which Mr. Cumming refers is the provision for the Press Censorship. There is money available under that head because when the budget was under preparation we made a provision on the same scale as in the previous year, but, as Hon'ble Members may have seen, we have recently closed down the Press Censor's establishment, and therefore the full sum will no longer be required. This change of policy was adopted after the estimates were framed.

The President said :

The position is this. Government are prepared to accept the Hon'ble Member's resolution subject to certain modifications. The first modification is the substitution of the words '40,000' for the word '75,000' and the second modification is the substitution for part (b) of the following : "from the lump provision for the Press Censor and his establishment under head 18—General Administration." If the Hon'ble Member is prepared to move his resolution in that form, Government will accept it.

The Hon'ble Babu Ambica Charan Mazumdar said :

I thankfully accept both the amendments.

The resolution was then put in the following modified form and agreed to :—

"This Council recommends to the Governor in Council :—

- (a) that a sum of Rs. 40,000 be provided in the budget of 1919-20 for the construction of the proposed record-room at Faridpur for the custody of the district settlement records ; and
- (b) that this sum be met from the lump provision for the Press Censor and his establishment under head 18—General Administration."

APPENDIX TO THE LIST OF BUSINESS—ITEM No. 26.

In the absence of the **Hon'ble Babu Akhil Chandra Datta**, the following resolution which stood in his name went by default :—

This Council recommends to the Governor in Council—

- (a) that a sum of twenty thousand, or some other suitable sum, be provided in the next year's Budget for the improvement of the Comilla Civil Court's compound and the buildings thereof ; and
- (b) that this amount be taken out of—
 - (i) the provision of Rs. 2,00,000 for the improvement of the Duars Road in Jalpaiguri ; or
 - (ii) the provision of Rs. 1,00,000 for laying the Maidan Roads in Calcutta with tar macadam metalling.

*Resolutions.**Maulvi A. Kasem.***APPENDIX TO THE LIST OF BUSINESS—ITEM No. 27.**

In the absence of the **Hon'ble Babu Akhil Chandra Datta** the following resolution which stood in his name went by default :—

That this Council recommends to the Governor in Council—

- (a) that suitable provision be made in the Budget for 1919-20 for a project for mitigating the effects of flood in the country in the district of Tippera; and
- (b) that the necessary amount be taken out of the provision of Rs. 4,54,000 for widening the Madaripur Bil route.

APPENDIX TO THE LIST OF BUSINESS—ITEM No. 28.

The Hon'ble Maulvi Abul Kasem moved the following resolution :—

This Council recommends to the Governor in Council that the sum of Rs. 40,000 allotted for the construction of a steam-launch, be allotted for the purpose of mitigating the effects of the floods of the Adjai in the Ausgram, Mungulkot and Ketugram thanas of the Burdwan district.

He said : "My Lord, I would be failing in my duty if in moving this resolution, I do not on behalf of my countrymen acknowledge with thanks the sympathetic attitude taken by your Excellency's Government and the Public Works Department towards the mitigation of the effects of the floods in the Burdwan Division. Even this year in the Financial Budget, provision has been made for the mitigation of the floods both on the side of the Damodar as well as Adjai, and last year also some provision was made under this head, but up till now as far as the Adjai floods are concerned, the attention of the department has been directed entirely to the scheduled embankments up to Sagarputul and no further, and my grievance is that the people lower down the river in the whole of the Kutwa subdivision are suffering and their crops are destroyed every year, but that has not drawn much attention because it has been the normal state of affairs for the last 30 years. I do not ask for any embankment. I myself have tried in this Council on various occasions by several resolutions to draw the attention of Government and, I understand that a survey has been made of the whole tract of land, but no scheme has yet matured and no funds provided for the purpose. But I hope, my Lord, this matter will receive the attention of the Government and as I had to suggest the amount to be found somewhere, I thought that the provision of a steam-launch to replace the 'Sir John Lambert' was the proper thing to do, because, I believe, that not much necessity has been shown for the construction of this launch. However that is a minor matter, and I am less anxious for the non-replacement of this steam-launch than that some provision should be made for mitigating the effects of the floods in the area mentioned in the resolution. The situation is very grave, and I might say that in several villages in this area many people have had to leave their homes on account of the distress caused by these floods. I do not mean abnormal floods like the great floods of 1913 and 1916 and 1917, but I mean the ordinary rise of the river on account of large breaches on the banks of the Adjai, the whole tract of the land lying on the right side and some portion of the left side up to Kaighiri are practically desolated because the crops are destroyed every year and sand is laid on arable land making it unfit for further cultivation, and as enquiries have already been made, into the matter by the Public Works Department, I hope this question will be taken up without further delay. I appeal to the officers of the Department as well as to your Excellency's Government to give this matter consideration. With these words I commend the resolution for acceptance.

*Resolutions.**Mr. Cumming, Maulvi A. Kasem.***The Hon'ble Mr. Cumming** said :

In this case also, my lord. I am speaking from personal experience. I visited the area in question with the Hon'ble Mr. Cowley. It was decided that in addition to the improvement of the embankments under the control of Government which are known as schedule D embankments, there should also be expenditure for the purpose of mitigating the floods lower down in the areas to which the Hon'ble Member has drawn attention. He complains that no money has been set aside for the purpose. It is true that the money that has been set aside is now borne in the grand total under the head of Minor Irrigation ; but it is not Rs. 40,000 but one lakh of rupees which has been set aside for the purpose of constructing a scheme which will prevent anything but the super-excessive floods from deluging the country, and will permit the overflow in the case of ordinary floods to be kept within bounds. In view of these facts, Sir, that far from there being no provision of outlay there is a provision of one lakh and that the money provided will be sufficient not only for the initiation of the scheme, but for its completion within the present year, I hope the Hon'ble Member will see his way to withdraw his resolution.

The Hon'ble Maulvi Abul Kasem said :

My Lord, as I began by saying that I cordially acknowledge that some provision was made for Safarpulat escapement, but my point was that that escapement will no doubt mitigate the effects of the floods in the western area in certain portions of the Sadar subdivision, my point is that no escapement has been provided in the Kutwa subdivision. Owing to breaches on the banks of the Adjai the country is inundated every year on account of the river bed being much higher than the land on the opposite side. There are breaches even this year, all the water passing through the river instead of passing through the canal escapement from these breaches into the whole area. Therefore I wanted to draw the attention of Government to this matter, but as I have done so I do not think any good will come in pressing this resolution, therefore I beg to withdraw it.

The resolution was then, by leave of the President, withdrawn.

APPENDIX TO THE LIST OF BUSINESS—ITEM No. 29.**The Hon'ble Maulvi Abul Kasem** moved the following resolution :—

This Council recommends to the Governor in Council that the sum of Rs. 32,207 allotted for raising the strength of the Dacca Military Police Battalion be allotted for the purpose of increasing the pay of teachers in primary schools in rural areas.

He said :

My Lord, there is a provision made in this year's budget for increasing the pay of teachers in primary schools in rural areas by Re. 1 a month, but I submit, my Lord, that this is very inadequate. Government spend a fairly good amount of money in guru-training schools where teachers in these primary schools are supposed to be trained, but the difficulty is that when these teachers are trained they cannot find any employment because the pay and the remuneration of the teachers in these primary schools in the rural areas is much less than the ministerial officers in Government offices and so they can better employ their time in other vocations than in teaching little boys in rural areas, and I think it is the duty of Government to see that proper qualified teachers and that a sufficient number of

*Resolutions.**Mr. Wordsworth; Sir Henry Wheeler.*

teachers are attracted to their work by at least a living allowance and for this reason, my Lord, I beg to move this resolution and in doing so I might only add that at the present moment there is not much necessity for adding any other battalion to the Dacca military police. It might be said that the necessity has been felt and that it will certainly improve the police administration at Dacca, but I submit that the relative necessity and importance of the two questions should be considered, and in my opinion I think the teachers of rural schools have better claims than the strengthening of the military police, and if we go through the budget for the last three or four years we find that the expenditure on the police and the strengthening of the police force has gone on increasing in a rather high proportion, and I submit, my Lord, that it is time now to curtail it or an attempt be made to curtail it. With these words I submit this resolution to the Council for acceptance.

The Hon'ble Mr. Wordsworth said :

"My Lord, the improvement of the condition of teachers in our rural primary schools has long exercised us and is likely long to exercise us. The difficulties are, as the Hon'ble Maulvi has pointed out, difficulties relating to resources, but there are also difficulties relating to the esteem or rather the want of esteem in which primary school-teachers and primary school work is held even by those sections of the community who profit most by it. We have devoted of late generous resources, using the word generous in a comparative sense, towards the improvement of the position of these teachers. So far as I remember the figures there was spent last year directly on primary education something over 7 lakhs from district board funds, about 16 lakhs from Government funds contributed by the Government of India and about 2 lakhs from provincial revenues. This Government was amongst other things able to increase the aid which was given to trained teachers in primary schools by a figure of Rs. 6 a month and to untrained teachers, that is, teachers who have no qualifications at all for the work, up to Rs. 2 a month. We would gladly welcome any additional resources, but the additional resources which the Hon'ble Member proposes would enable us to increase the pay of teachers in rural areas by something between half and three-fourths of an anna a month. I presume that the item which it is proposed to reduce has been framed in accordance with strict necessity, but even if that were not so, I doubt whether I should be able to recommend the Council to accept the resolution, seeing that it would have very little influence upon the welfare of the class whom it is intended to serve."

The Hon'ble Sir Henry Wheeler said :

"My Lord, I would like just to say a word as to the source from which the Hon'ble Member wishes to take the money, as he seems to be under the impression that this is some unnecessary provision for the improvement of the local Dacca police. That is not so. As the Council is aware, in this province (apart from Darjeeling) we have practically no troops outside the city of Calcutta. If, therefore, there were disturbances necessitating the intervention of other than the ordinary police, we should either have to bring troops from Calcutta or look to the only other force which we have, namely, the military police, which happens to have its headquarters at Dacca. That force at present consists of six companies, four of which are supposed to be concentrated at Dacca, one at Hooghly, to control the large mill population employed on the banks of the river, and the other at Buxa in connection with frontier precautions. Experience has shown that we cannot ordinarily move either the company at Hooghly or that at Buxa.

*Resolutions.**Maulvi A. Kasem.*

The four companies at Dacca number 448 men; our object is to provide a moveable column of 150 men which can be sent rapidly to any place at which disturbances may take place. Far from the cases being few in which such a need has arisen, there have been 65 occasions since April 1912 on which we had to utilise the military police at Dacca. But the miscellaneous duties which this small detachment at Dacca is called upon to perform take away so many men that we cannot in the event of an emergency count with certainty upon even the small column of 150 which our scheme contemplates. It is therefore proposed, and it has been approved by the Government of India, to add another reserve company to the Dacca military police, and only last year we would have very much welcomed the presence of such a reserve in connection with *hat* looting. Owing to its not being available, we had to ask Aesam for assistance, which they were unable to give owing to their own frontier troubles, and we had to warn the Government of India that we might have to ask them for help. It is that contingency which this scheme is intended to meet."

The Hon'ble Maulvi Abul Kasem said :

My Lord, I beg leave to withdraw the resolution.

The resolution was then, by leave of the President, withdrawn.

APPENDIX TO THE LIST OF BUSINESS—ITEM No. 30.

The Hon'ble Maulvi Abul Kasem moved the following resolution :—

This Council recommends to the Governor in Council—

- (a) that a sum of Rs. 10,000 be allotted for the grant of special scholarships for Muhammedan boys in rural areas; and
- (b) that the amount be met from the lump sum of Rs. 23,158 unallotted.

He said :

"My Lord, I need hardly submit to your Excellency's Government or to this Council the necessity for granting scholarships to Muhammedan boys. It is well known that the members of my community are very poor and the greatest block to the advancement of education among Muhammadans in this province, at any rate, is due to the want of means on the part of Muhammadan parents to educate their boys. The number of scholarships reserved for Moslem boys in primary and also secondary schools are very few, and I think the time has come when that number should be increased and the poor boys in rural areas, who prove themselves intelligent and industrious, should receive encouragement to prosecute their studies further. In this connection, my Lord, I beg to submit, and this I do with some amount of diffidence, that the attention of the department and of Government have of late been directed towards the Muhammadans of Eastern Bengal districts more favourably than the Muhammadans in the Burdwan and Presidency Divisions. The distribution of scholarships both for higher schools and colleges, as well as for primary schools, among the Muhammadans of Eastern and Western Bengal is in my humble opinion neither fair nor just, and that distribution has been made, I believe, on the strength of the Muhammadan population in Eastern Bengal which is very large. That may be so, but I think that the Moslems of the western districts of this Presidency have also by their past record proved

*Resolutions.**Mr. Wordsworth.*

themselves deserving of special consideration, and as this amount is suggested to be drawn from the unallotted balances, I hope, my Lord, that this resolution will be accepted by your Excellency's Council."

The Hon'ble Mr. Wordsworth said :

" My Lord, the case of additional scholarships for Muhammadan boys has been receiving consideration for the last year. It was recommended by the last Muhammadan Conference that more scholarships should be reserved for Muhammadan boys in lower primary schools, and Government has accepted that resolution among others as a basis for further consideration of the question. It has long been part of the policy of Government to reserve special scholarships for Muhammadans, while at the same time allowing them full opportunity of competing for all other scholarships available. The principle has been accepted and the proposal now under consideration is merely one of degree and not of principle. It was pointed out by that Muhammadan Conference that of the scholarships in lower primary schools, which are given by district boards and not by Government, only some 40 out of a number of 700 were specially reserved for Muhammadans. We have been in correspondence with district boards for the last year endeavouring to secure accurate facts and to arrive at the basis of proposals for the consideration of Government. Progress has been slow mainly owing to the difficulty that district boards appear to have found in giving us facts, but I think the end is in sight and our proposals will soon be submitted to Government. It must, however, be remembered that these proposals were not based on any inequality in opportunities of education as between Muhammadans and any other class. The recommendation of the Committee was simply this : ' The results of the scholarship examinations for the past few years show that the ratio of the number of scholarships gained by Moslem boys to the number gained by Hindu boys is much less than the ratio of the number of Moslem school boy, to the number of Hindu school boys. We think that this may be due to the method of selecting candidates from the various schools. Government has already accepted the principle of reserving scholarships for Moslem boys, but we consider that the number reserved is totally inadequate.' The problem therefore before us is to consider whether we should by any administrative regulations provide that Muhammadan boys should receive that proportion of the total number of scholarships available which their number would appear to justify. That is the question under consideration. It might be advisable if I explain to the Council the position of Muhammadan boys in regard to scholarships and the number of scholarships reserved for Muhammadan students. This number is not so small as the Hon'ble Member would suggest. In upper primary schools 24 are reserved out of 210, in middle schools 55 out of 210 ; of junior scholarships in the first two years of college including scholarships paid for by Mohsin endowments, the Muhammadans have 163 reserved out of 279, and of senior scholarships for the last two years of college the Muhammadans have 59 reserved out of 103. This does not mean that the other communities have the balance. The Muhammadans have their own preserve, and have also equal opportunities with all other classes in relation to other scholarships. There are no scholarships reserved for Hindus with the exception of one or two trust scholarships which we administer, and of a few for those classes which we call the backward classes. It is not clear, therefore, that the Muhammadans are at present at any great disadvantage in this matter although Government will be shortly addressed on the question of increasing the number of scholarships to be reserved for Muhammadans by district boards. These scholarships are not proposed by the Muhammadan Conference with a view to redress any inequality of numbers between the members of the various communities in schools. My last figures are that in primary schools Muhammadan pupils

*Resolutions.**Maulvi A. Kasem.*

are 50 per cent. of the whole; in middle schools 33 per cent. and in High schools 20 per cent. The Hon'ble Member has stated but has given no arguments in proof of his position that the distribution of these special privileges for Muhammadans as between Eastern and Western Bengal has not been fair to the Muhammadans of Western Bengal. As I am not aware of his arguments or his evidence, I am taken at a disadvantage. I can only say that I have never had this brought to my notice before and that I shall give it my careful attention at once. There is nothing in our scholarship rules, nothing in our distribution of scholarships under these rules, to suggest such an inference, and I think that so far as privileges in high schools are concerned I believe we have been careful to equalise opportunities of special scholarship as between Eastern and Western Bengal so far as lies in our power. The sources which it is proposed to use for this purpose consists of the sum of a number of small balances left from Imperial grants. These Imperial grants are large recurring grants given to us for specific purposes. We have worked out various schemes and the Rs. 23,000 merely means that our schemes have not worked up to the full allotment; e.g., for female education we have Rs. 2,000 a year left, for technical education, we have Rs. 4,000 a year left. These small sums will enable us to finance any small needs in connection with the expansion of those schemes as they may arise."

The Hon'ble Maulvi Abul Kasem said :

"My Lord, I have to thank the Hon'ble Mr. Wordsworth for the hope held out to us that the question of granting more scholarships to Muhammadan boys is now engaging the attention of his Department and that he will move Government in the matter at an early date. I have only to say in reply to his statement that in moving this resolution I never meant to say or to suggest that there was an unequal treatment between Hindu boys or Muhammadan boys or the Muhammadan boys as such were not receiving the same facilities which are open to the Hindu boys. I know that no scholarships are reserved for Hindu boys except the few mentioned by him, but my grievance is, and on which I base my claim, the fact that Muhammadans are comparatively very poor and they have up till now been backward in education. A time will come, and I hope it will come very soon, when there will neither be an occasion or reason for asking for special facilities for Muhammadan boys. We do it to-day because we want that the Muhammadan boys should come up to the standard of the Hindu boys and that they may compete with each other on equal terms in the open field. The Director of Public Instruction has said that the number of Muhammadan students in primary schools is 50 per cent., that is, about the proportion of the population of this Presidency, that in Middle schools it is 33 and that in the High schools it is 20 per cent. and I believe if we come up to the college classes, we will find the proportion reduced further, and I may tell him that the reason why this proportion goes down is mainly, if not solely, due to the fact that the Muhammadan boys find the want of means to prosecute their studies further after the primary stage, and for this reason I move this resolution and submit to your Excellency's Government the need for further additional scholarships for Muhammadan boys. As an assurance has been given by the Director of Public Instruction, I beg to withdraw this resolution. But as regards the fact that the division between Western and Eastern Bengal is not fair, I submit that according to the population the number may be fair, but if I may say so, that of the Muhammadan scholarships the larger number go to the eastern districts and the smaller number go to the western districts. This is a matter which I hope the Director of Public Instruction will look into and I need not trouble the Council or your Excellency's Government with any remarks on it."

The resolution was then, by leave of the President, withdrawn.

*Resolutions.**Maulvi A. Kasem ; Mr. Crum.***APPENDIX TO THE LIST OF BUSINESS—ITEM No. 31.****The Hon'ble Maulvi Abul Kasem** moved the following resolution :—

This Council recommends to the Governor in Council that the sum of Rs. 50,000 allotted for the improvement of the pay and prospects of European Inspectors and Sergeants be added to the sum of Rs. 80,000 allotted for the extension of Panchayati Union School for boys.

He said :

"My Lord, in moving this resolution I have only to submit that in my opinion and I believe that my opinion is shared by a good many of my Indian colleagues on this side of the house, that the pay of the European inspectors and sergeants is already sufficiently attractive and that they get better and more pay than officers of equal rank who have to perform similar duties. I have to add that these inspectors and sergeants in addition to their pay also get accommodation free, and the accommodation which is provided for them is very good and comfortable and much higher rent is paid for their houses than many of the judicial officers have to pay for their houses in mufassal towns, and considering all this, to add to it will be rather an extravagance. I therefore submit that the Government will not be justified in increasing the pay of these inspectors and that the money might be better utilised by the extension of primary schools in this province. With these few words I commend this resolution to the Council."

The Hon'ble Mr. Crum said :

"My Lord, I think the Hon'ble mover must be under a misapprehension as to what the European sergeants at present draw and as to the present cost of living. At the present moment there are two grades of European sergeants, as I understand. In the first, the appointment is on Rs. 100 rising by Rs. 2-8 a year to Rs. 125 a month and the second is on Rs. 130 rising by Rs. 5 to Rs. 150 a month. They also, as the Hon'ble mover says, get quarters, that is to say, the married sergeants get quarters and the rest live in barracks. About the quarters of the married sergeants, which are not very satisfactory, the Finance Committee was, I may say, very much pressed by the Police for their improvement. But the Committee have decided that nothing could be done now but that they will have to take up the question in the near future. There are now considerable difficulties in getting an improved class of sergeants. I have been a member of the Bengal branch of the Employment and Labour Board and one of our duties is to recommend to the military authorities the releasing of soldiers. Long before this question of Police came up, we had discussed very fully the rate of pay at which men of the status of sergeants in the British army could live on in Calcutta. The rate of pay proposed for the sergeants was considerably higher than what the Police sergeants get at present, but it was also higher than what is proposed to be given to them now, that is, Rs. 125, rising by Rs. 5 a year to Rs. 175 a month. The present position is this : I understand the Police require 70 new sergeants and they have applied to the Employment and Labour Board for the releasing through that Board of all the policemen required from the army. But even with the improved pay the Employment and Labour Board are exceedingly doubtful as to whether they will recommend the military authorities to release these men for service. It comes to this : Unless this Council are prepared to pay a reasonably living wage to the European sergeants in Calcutta, there won't be any European sergeant left here. And I may say that as long as Government is entrusted with the looking after of law and order I hope this will not be the case. I hope the Hon'ble Member will therefore withdraw his resolution."

*Resolutions.**Mr. O'Malley; Maulvi A. Kasem.***The Hon'ble Mr. O'Malley said :**

"My Lord, Mr. Crum has pointed out that the Hon'ble Member is under some misapprehension as to the pay and prospects of European inspectors and sergeants. It is now my duty to point out that he is also under a misapprehension regarding the provision which has been made in the budget for the extension of punchayati union schools. If he will refer to page 33 of either the revised or amended financial statement, he will find that the allotment for the extension of punchayati union schools for boys is Rs. 1,20,000 and not as stated in his resolution Rs. 80,000. He has proposed a diversion of Rs. 50,000 in order to make a total allotment of Rs. 1,20,000, but Rs. 1,20,000 has already been provided, only Rs. 10,000 less than the total provision which he wishes to make. I think that he will scarcely quarrel about this small difference. The term 'Extension of punchayati union schools' is a somewhat cryptic phrase, and I may therefore explain briefly to the Council that this is a scheme to which Government attaches considerable importance. The idea is to make provision so that boys in each locality shall have some chance of proper primary education. The object is to provide in each punchayati union for at least one decent school staffed by teachers drawing a reasonable salary instead of the poor pittance drawn by many gurus in pathshalas. It is not altogether a new scheme; it was started some years ago and carried on till about 5,000 unions had been provided with union schools. It is now proposed to revive this scheme thanks to the grant of 5½ lakhs which has been given by the Government of India, and the sum of Rs. 1,20,000 has consequently been allotted. This will enable 120 new schools to be started. The grant will be recurring; each year more schools will be started and at the same time provision will be made for the maintenance of those schools previously established. I trust that the Hon'ble Member will accept this assurance and I suggest that in the circumstances it is scarcely necessary for him to proceed with his resolution."

The Hon'ble Maulvi Abul Kasem said :

"My Lord, when I said that the pay of the European sergeants and inspectors was sufficient, what I meant was this: when the Government pays sub-inspectors of the Calcutta police who are in charge of thanas or outposts, whatever you may call them, they get only a salary of Rs. 125. I thought that the pay of the sergeants was sufficiently attractive, but from the statement made by the Hon'ble Mr. Crum and the Hon'ble Mr. O'Malley, I have to withdraw this resolution, and I have only to point out that when I gave notice of the resolution, it was only by mistake that I put the figure 80,000 instead of 1,20,000. I got the figure from that very page which is just above that allotment. I am glad that the question is engaging attention, and I think no useful purpose will be served by pressing this resolution and I therefore beg leave to withdraw it."

The resolution was then, by leave of the President, withdrawn.

APPENDIX TO THE LIST OF BUSINESS—ITEM No. 32.

In the absence of the Hon'ble Babu Akhil Chandra Datta the following resolution which stood in his name went by default:—

This Council recommends to the Governor in Council—

- (a) that suitable provision be made in the next year's Budget for a grant to the Comilla Municipality for the introduction of water-works; and

*Resolutions.**Babu K. M. Chaudhuri.*

(b) that the necessary amount be taken out of—

(i) the provision of Rs. 1,00,000 in the Budget for laying the Maidan roads in Calcutta with tar macadam metalling; or

(ii) the provision of Rs. 4,30,000 for acquisition of land for the new nurses' quarters for the Medical College Hospital.

APPENDIX TO THE LIST OF BUSINESS—ITEM No. 33.**The Hon'ble Babu Kishori Mohan Chaudhuri** moved the following resolution :—

This Council recommends to the Governor in Council—

(a) that the salary of the lecturers of first grade colleges be raised to a minimum of Rs. 200 a month ; and

(b) that a corresponding reduction be made in the provision for miscellaneous charges under 32—Miscellaneous.

He said :

My Lord, yesterday my friend the Hon'ble Rai Radha Charan Pal Bahadur made a very pathetic appeal for some of those hard-pressed clerks and to-day I rise to make an appeal of a similar nature on behalf of the lecturers engaged in the first grade Government colleges. My resolution is that the salary of the lecturers of first grade colleges be raised to a minimum of Rs. 200 a month, and that a corresponding reduction be made in the provision for miscellaneous charges under 32—Miscellaneous. These officers are now included in the Subordinate Educational Service, and I am sure the case of these members of the Subordinate Educational Service will come up for the consideration of Government very soon, but what I mean to say is this—that the case of these lecturers may be considered specially. These officers are engaged in the performance of important duties. It is not only for the benefit of those lecturers but also for the benefit of the students committed to their charge that I make this appeal. These officers were appointed some on Rs. 100 or Rs. 125 and they are now drawing a pay of Rs. 150 or so at most or it may be Rs. 175. They are engaged not for teaching school students for which no work at home is necessary. If they are to make their lectures interesting, if they are to look to the interest of the students committed to their charge and examine papers and point out deficiencies and make suggestions to their pupils in what way they are to improve their lessons, I beg to submit, my Lord, that all this work requires at least a considerable time to be devoted at home to it, so that the work may be quite up to the mark. But now-a-days it is very difficult for any man of ordinary means, specially of Indian habits, who are generally beset with a number of dependants upon them to manage with a pay of Rs. 100, Rs. 125 or Rs. 150 and they naturally look to other sources of income either by literary work or by doing some work as a private tutor to some pupils. It is not possible for them to be self-supporting without looking to other sources of income, and it is impossible for them to devote their whole time to college work. It is for this reason and for the fact that they have become very hard pressed owing to the fact that the necessities of life have become very costly, that I have ventured to make this appeal on their behalf to your Excellency's Government and I hope your Excellency's Government will do something as early as possible for the relief of these members of the Subordinate Educational Service. Of course I have suggested that a corresponding reduction be made in the provision for miscellaneous charges under 32—Miscellaneous, but this

*Resolutions.**Mr. Wordsworth.*

is a mere suggestion. If your Excellency's Government are convinced that something ought to be done, money may be found anywhere. All I can say is that something ought to be done to relieve these officers. With these words I commend this resolution to the acceptance of the Council.

The Hon'ble Mr. Wordsworth said :

" My Lord, the Hon'ble Member has spoken in generous terms on behalf of the lecturers in our Government Colleges, but has spoken in such general terms that I find it difficult to reply. At one moment his arguments appeared to be based entirely on the economical ground that the cost of living is such as to make their salary insufficient. If this is so, the same conditions apply to headmasters of Government schools and to other officers in the Subordinate Educational Service. At another moment he appeared to base his arguments upon the consideration that lecturers work harder than masters in schools. That, sir, is not my experience. I believe that the work of the headmasters and other masters in our schools is more arduous and headmasters certainly have larger responsibilities. The Hon'ble Member moved the same resolution last year. On behalf of Government I then replied at considerable length, and, I thought at the time, with considerable illumination. I do not appear to have convinced the Hon'ble Member and I can only repeat briefly now what I then said at greater length. Our Government Colleges are manned by two classes of officers—professors and lecturers. Professors are either Englishmen brought out from England in the Indian Educational Service or Indian gentlemen recruited locally in the Provincial Educational Service. They are assisted in their work by a class of junior officers whom we call lecturers and who are supposed to do less responsible and less arduous work, and are placed in the subordinate service. They are usually appointed on Rs. 125 a month and rise by degrees to a maximum of Rs. 250 a month. It has been frequently pointed out—I believe it was pointed out by the Hon'ble Member last year—that the academic and other qualifications of the lecturers are fully equal to those of Indian gentlemen in the Provincial Educational Service. I admit this in many cases. I must question it in many cases. But the position from the administrative standpoint is that when they applied for lecturers' appointments they were prepared and even anxious to get those posts and they knew that the posts carried with them an assurance but not a certainty of appointment as professors in the higher service when opportunities arrived. Appointments to Colleges are made in fact by the governing bodies who are expected to consider, and it is their practice to consider, the claims of all lecturers already in Government service whenever they make appointments. A man who is already serving in a Government College has certain claims to consideration. He has certain advantages in his favour in all competition for posts in the higher service. But it depends partly upon the fortunes of life whether he succeeds in obtaining a higher post or not. For those who are acquainted with colleges in England I may instance a similar arrangement whereby we have assistant lecturers to professors. Those assistant lecturers are usually paid at a much lower rate than professors. They are often equally qualified with their professors in an academic sense and they hope to become professors some day. We have full sympathy with those of our lecturers who do not succeed in obtaining entrance to the higher service but we can scarcely be called upon to redress the inequalities of fortune by administrative action especially as that administrative action would mean a considerable additional burden to the Indian taxpayer and would mean very little, if any, addition of efficiency to the work of our colleges. We have nearly 50 such lecturers. The proposal is to give them an initial salary of Rs. 200 a month, that is to say, to include them in the Provincial Educational Service. This will mean roughly a recurring charge of Rs. 90,000 a year and the proposal is to meet this recurring charge out of a head which

*Resolutions.**Babu Kishori Mohan Chaudhuri.*

is non-recurring. It may be that some other member will speak on that point, but the meaning of this item which it is proposed to reduce—Miscellaneous item—is set out in the pages of the Financial Statement, and I think it is clear that what is budgetted for is nearly actual expenditure. These lecturers are in pay practically on the same basis as our headmasters, but while the headmasters of our schools who have more arduous and more responsible duties to perform and who carry them out at least with equal efficiency and loyalty, are seldom appointed headmasters until they have done many years' service as assistant masters on small pay, these lecturers who may be equally qualified with more highly paid officials or who may not be better qualified than many of our school-masters, commence at a much younger age on a salary of Rs. 125 a month. Therefore, as compared with our headmasters, they are many years ahead in advantage. For these reasons I am unable to recommend to the Council the acceptance of this resolution."

The Hon'ble Babu Kishori Mohan Chaudhuri said :

"My Lord, I have been trying no doubt for some time past to effect an improvement in the pay and prospects of the poorly-paid professors. I stated on some other occasion that we must arrange to attract better qualified men to these posts. It is no answer to say—'why they accept a post on so low a pay and very soon begin to clamour for higher pay'. When one is in need of some employment he must be anxious to get any whether it be on small pay or high pay. But some consideration ought to be shown to him for the special nature of work in which he is engaged. Even in the Reforms Scheme the pay and prospects of the civilians are under consideration. It is true that the head masters are also engaged in doing important work and that they also get a very small pay, and if it is necessary to do something for them I have no objection, but my point is that something should be done for these lecturers also so that there may not be any demoralising effect upon their zeal and devotion to work. It is hardly necessary for me to point out that the amount allowed to them is hardly sufficient to maintain them with decency.' Considering the nature of work in which they are engaged—which I have already explained to your Excellency—I think their case deserves separate and special consideration, and it is with this view that I have brought forward this resolution. I am sorry for the reply that has been given to me and I would have been glad even if some hope had been held out that something would be done for them in the near future. If something is done for them then the present incumbents of the posts of lecturers would not be anxious to go elsewhere whenever they get an opportunity. I would say that either at once or as early as possible something ought to be done and I have nothing more to add."

The resolution was then put and lost.

APPENDIX TO THE LIST OF BUSINESS—ITEM No. 34.

In the absence of the Hon'ble Babu Akhil Chandra Datta the following resolution which stood in his name went by default :—

This Council recommends to the Governor in Council—

- (a) that suitable provision be made in the Budget for 1919-20 for giving effect to the scheme for raising the Comilla Faizennissa Girls' School to the standard of a High English School; and

*Resolutions.**Rai R. U. Pal Bahadur : the President.*

(b) that the necessary amount be taken out of—

- (i) the provision of Rs. 1,24,000 for the construction of buildings for guru-training schools ; or
- (ii) the provision of Rs. 1,00,000 for a capital grant to the Calcutta Girls' High School ;
- (iii) the provision of Rs. 50,000 for the extension of the Dow Hill Girls' School, Kurseong.

The Hon'ble Rai Radha Charan Pal Bahadur said :

" My Lord, I have a personal appeal to make to your Excellency. I am grateful to your Excellency for having allowed my resolutions to stand over during my temporary absence yesterday. I was late in coming to-day, but I was under the impression that my resolutions will be taken up last. And if your Excellency will kindly allow me to move my resolutions, I shall be glad to move them now."

The President said :—

" The Hon'ble Member yesterday asked me to postpone his resolutions on the ground that he had to be absent in connection with public work elsewhere and I regarded that as sufficient reason for acceding to his request for postponing his resolutions. When I called upon him this morning he was not present. I understand he now says that he thought that I intended to postpone his resolutions until the end of the Agenda paper. If that is so, I am prepared to grant the Hon'ble Member permission to move his resolutions."

The Hon'ble Rai Radha Charan Pal Bahadur said :—

" My Lord, I beg to express my gratitude to your Excellency in giving me permission to move my resolutions."

APPENDIX TO THE LIST OF BUSINESS—ITEM No. 18.**The Hon'ble Rai Radha Charan Pal Bahadur** moved the following resolution :—

This Council recommends to the Governor in Council—

- (a) that Rs. five lakhs be provided for the extension of primary education within the municipal limits of Calcutta ; and
- (b) that the amount be met by a corresponding reduction in—
 - (i) the provision of Rs. 6,30,000 for building nurses' quarters at the Medical College Hospital ; and
 - (ii) the grant-in-aid for education amounting to Rs. 26,43,000.

He said :—

" My Lord, it is an old question and it has been raised for years past in this Council. I am myself one of them who have for the last two or three years moved in the matter and tried to divert some money for the promotion of primary education in Calcutta. The history of the subject is this : Mr. Hornell, the then Director of Public Instruction, finding the keen interest taken by the people of Calcutta in the matter of primary education delivered an interesting lecture on educational organization in Calcutta under the auspices, I believe, of the Social Study Society. In the course of his admirable address he observed that the condition of primary schools in

*Resolutions.**Rai R. C. Pal Bahadur.*

Calcutta was simply disgraceful. This attracted the attention of the Calcutta Corporation who, under the guidance of the late Sir Charles Allen, submitted to Government that they were prepared to take charge of the primary education in Calcutta if the Government would favour them with sufficient grants for the purpose. The matter was further inquired into by the Corporation and it was found by Sir Archdale Earle, the then Chairman and who was sometime the Director of Public Instruction, that the minimum cost would be not less than six lakhs of rupees to start with. The cost seemed to be prohibitive and a representation was made by the Corporation to the Government to the effect that they would be prepared to confer with Government in this matter if the Government would furnish them with a practical scheme on the subject. The question was then further considered by Mr. Hornell who said that if the Corporation were prepared to capitalize the present grants-in-aid contributed towards primary schools to defray the cost of building houses for these schools in Calcutta the Government might consider the question of maintaining these schools. The Corporation without definitely committing themselves stated that they were prepared to consider Mr. Hornell's proposals and that they were also prepared to pay a contribution from the capital loan fund extending over a certain number of years to meet the cost of building several suitable houses for primary schools in Calcutta. At a rough estimate it was found that the whole thing would cost ten lakhs of rupees but that if it were spread over a number of years the Corporation was prepared to finance it from the loan fund. This matter was raised in this Council and during the Budget debate of 1915-16 the Hon'ble Mr. Hornell stated that it was a very complicated and difficult subject and that nothing could be done without a proper survey. In reply to my motion he said :—

... the Corporation of Calcutta appointed a Committee to consider the question of school arrangements for Calcutta. The Committee decided that they could do nothing until they had ascertained what Government proposed to do. I was consulted in June last, and I advised Government that they would not be able to move in the matter until they knew more of what the problem of school provision in Calcutta really is, both as regards boys and as regards girls. I urged that the next step should be the carrying out of an educational survey of the whole municipal area, and, as a result, Mr. K. C. De was placed on special duty with specific instructions for the drawing up of the survey. When the war broke out, Mr. De's services were requisitioned for other activities, but he decided, in addition to his other labours, to do what he could to carry on the survey which he had begun with considerable vigour, and I understand though he has not completed his work which he would have done if he had not been called upon to do other work in connection with the war, he is well on with it, and that before very long the survey will be submitted. ... Besides, we do not really know what the problem in Calcutta is, and until we do know this, I do not see how we can inaugurate a scheme of improvement even if we had the money, which we have not.

My Lord, that was in 1915-16. That report, however, could not be finished by Mr. De as he was soon after placed on certain special duty and Mr. J. N. Roy was asked to take up the work. He finished his work and the report was submitted to Government on the 15th November, 1915. The account that is given in the report of the conditions of primary schools in Calcutta was enough to make not only the residents of Calcutta but also the Corporation and the Government feel ashamed. The majority of them were badly equipped and the staff was insufficient. The houses were ill-lighted and the ventilation was bad. I need not quote anything further from Mr. Roy's report. But that was the condition of the primary schools in Calcutta. Mr. Roy suggested in his report that there was urgent need for model primary schools in Calcutta and that they should be started at once. He also suggested that strict rules should be laid down for all

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middle English and primary schools as to the condition of buildings and the adequacy of sanitation and the distance of one school from another. As regards Muhammadan schools he suggested that the Moslem schools attached to mosques were very neat and tidy but that they should be developed and that they should have well-paid teachers on their staffs. These are the recommendations that were made. In subsequent years I again moved in the matter and to my great disappointment I was told again that although the report had been received another report was awaited and that maps must be prepared to show the location of the existing schools so that they might determine where the model schools should be constructed. In reply to my resolution the Hon'ble Mr. Hornell said :— 'The Inspector of Schools in the Presidency Division is now having maps prepared of the whole of the Calcutta municipal area showing what schools there are, both primary and secondary, and indicating on this map with reference to the population, what primary schools should be erected, when funds are available.' That was in the year 1917-18. A copy of the report is now in my hands, but I have not got the plan although this report says that the plan accompanies the report of Mr. Dunn who was Inspector of Schools, Presidency Division, in 1918 when he wrote the report just one year ago. He says that in addition to the informations contained in that communication there were certain maps compiled by the Survey of India Office showing the location, etc., of these schools. It will be seen that this second report was prepared by Mr. Dunn and submitted to Government last year with the map. Mr. Hornell assured us that he was arranging for a survey showing the different places in which the schools are situated. The Government seemed to be anxious to take up the matter in right earnest as soon as informations were forthcoming. All informations were collected last year. But unfortunately nothing has practically emerged from the Government assurance. I do not know when something practical will be done. And therefore I have returned to my subject this year and whatever may be the fate of this resolution—we all know what fate awaits it—I still think it my duty to press the resolution to the attention of Government. But before doing so, I will also place certain other facts before them. Here in Calcutta we have got a population of 896,000. Out of that, 15 per cent., that is, about 135,000 are of school-going age. Forty eight per cent. of the latter are at present receiving their education in Calcutta. And I am glad that Mr. Dunn mentions in his report that the credit of giving education to these boys is due to private enterprise of public-spirited individuals. When a responsible officer of Government states that it is entirely due to private efforts and private enterprise then I think the people of Calcutta might take some credit and ask the Government for more help. How far the public can proceed? I find the Government grant is only Rs. 32,600, and the Corporation grant is Rs. 66,000 besides remission of rates to school premises. It will therefore be seen that the Government grant is deplorably inadequate. Turning to the report again I find some very interesting statements. Mr. Dunn has found that there is a laudable demand for education by the people of Calcutta—by the lower class population. The report says that the working class people are very anxious to get some sort of elementary education and that is a very hopeful feature. Mr. Dunn also states that out of 521 primary schools in Calcutta 169 are *maktabs* or primary schools for Muhammadans and that the Muhammadans are also very anxious to extend primary education. These schools although aided by Government depend on subscriptions from local people. These schools are without control although Government grants Rs. 32,000 for their aid and the fees realized by them amount to Rs. 70,000. There is a Sub-Inspector for these schools but he visits them once a year only and the ward Commissioner reports once a year how they are conducted before the Corporation grants their aid. These schools are started in a perfunctory way by pandits here and there and

*Resolutions.**Mr. Carter.*

they are never conducted in an efficient manner. As regards teachers, out of 711 teachers 586 are untrained and I find from Messrs. De and Roy's report that they get even lower salaries than menial servants, only Rs. 7 or 8 a month and they can give lessons only in *বঙ্গভাষা* etc. There is hardly any other training in these schools. Another difficulty is this. Out of 135,000 boys only 65,000 receive some sort of education in some schools; 69,000 go without any education. And if my hon'ble friend Babu Surendra Nath Roy's Bill becomes law and its provisions are extended to Calcutta then these boys must receive compulsory training. Therefore it will be seen that there is an urgent need for provision by Government. Of the boys who receive education I find that about 36,000 only are comparatively better instructed in secondary schools where there are more efficient primary classes, as in Metropolitan College, City College and other institutions where there are better qualified teachers. The remaining 29,000 receive only a sort of *namka waste* education which is very unsatisfactory. Mr. Dunn says in his report that the condition of these schools for 29,000 boys requires immediate improvement and this is a matter of great urgency. He also suggests the creation of new schools for those who are not receiving any education at all. It will be thus seen that the question of providing funds for the improvement of primary education in Calcutta can no longer be deferred. It may be said and it has often been said that the Corporation should take up this task. As Sir Charles Allen observed and as has been observed in the Corporation debates that although the Corporation have recently agreed to share in this task, it is not part of their duty to do so. The Calcutta Municipal Act lays down certain statutory obligations on the Corporation. But this does not come under these obligatory duties. There is what is called a discretionary clause under which the Corporation can, if funds permit after meeting the obligatory duties, devote surplus funds towards objects of public utility. When this provision was being discussed in Council I think no less an authority than Sir Alfred Croft laid down that the duty of contributing towards education did not come within the purview of the Corporation. I think Sir Gurudas Banerjee moved a motion to the effect that as the suburban municipalities which were going to be incorporated with the Calcutta Municipality, paid Rs. 3,000 to some patshalas, that sum should now be paid by the Calcutta Corporation towards education in the suburban areas. The Council after some discussion agreed to the proposal. That sum of Rs. 3,000 has become one lakh at the present day. The case of Bombay is cited. But in comparison with Bombay our case is quite different. Bombay maintains well conducted primary schools and spends Rs. 6,93,000 towards education, but my Lord, Bombay, in addition to rates and taxes, has got an extra revenue which Calcutta has not. From town duties alone Bombay gets 20 lakhs of rupees. Then there are the excise duties from which they get Rs. 1,44,000 and from other duties Rs. 3,71,000. It will therefore be seen that while Bombay gets about 26 lakhs of rupees over and above their income on rates and taxes, Calcutta gets nothing. If we are to spend anything outside our statutory obligations we must in the absence of an extra revenue impose additional rates. That will not be fair to the population of Calcutta. The Government should contribute substantially towards this object or surrender some revenue and that was also the opinion of an eminent member of the Civil Service who, if he were alive to-day, would have occupied a seat on your Excellency's right—I mean the late Sir Charles Allen. The Corporation is prepared to share the burden with Government, but the Government should make substantial contribution at least—

[The Hon'ble Member having exceeded his time limit, resumed his seat.]

The Hon'ble Mr. Carter said :

My Lord, I am not quite sure that the Hon'ble Rai Radha Charan Pal Bahadur is justified in making the suggestion contained in the second part

*Resolutions.**Sir R. N. Mookerjee.*

of his resolution which is that the provision of Rs. 6,30,000 for building nurses' quarters at the Medical College Hospital should be taken away for the purpose of giving effect to the suggestion made in the first part of his resolution. The position as regards house accommodation for the nurses at the Medical College Hospital has already been explained fully by the Hon'ble Sir Henry Wheeler, but I notice that the Hon'ble Member still wants, from the wording of his resolution, to cut down the sums allotted for this purpose. No less than five resolutions at this meeting aim at reducing this grant. I do not know that I am very much surprised at this as for some time now the non-official Indians of this city have never taken any great interest in this most deserving Institution—the Calcutta Hospital Nurses' Institution. Subscriptions towards this fund from my Indian friends are far below those contributed by the Europeans and yet the whole group of hospitals at the Medical College are for the relief of dying and suffering amongst the Indians. I can assure my hon'ble friend that the accommodation is really needed and I should like to say that there are now in the nurses' quarters exclusive of *dhats* 125 nurses and the quarters are so crowded that many of the smaller rooms contain two beds. In addition to overcrowding the quarters have not a sufficient number of bathrooms and other sanitary accommodation. It is not possible to find accommodation for a single extra nurse in the present quarters, and it is proposed shortly to construct a new Eye Hospital containing 175 beds as also to extend the Eden Hospital which is at present very greatly overcrowded. In addition to these there are the new Tubercular Wards which are shortly to be constructed. The new Tubercular Wards, the Eye Hospital and the extended Eden Hospital cannot be got into use until quarters have been built for more nurses. The nurses' duties are highly arduous and laborious and the work they are expected to perform in a tropical climate like this will entitle them to double pay elsewhere. Perhaps the Hon'ble Member has never visited the nurses' quarters at the Medical College to see the misery there with his own eyes. Had he done so I am pretty sure that no attempt would have been made on his part to reduce the sum budgetted for the building of their quarters. No arrangement to make the nurses willing to stay on should be questioned by anyone, least of all by those who from lack of professional knowledge are unable to appreciate their priceless services. I hope in the next budget Government will see their way to set aside a sum to improve the nurses' quarters at the Presidency General Hospital which also badly requires reconstruction.

The Hon'ble Sir R. N. Mookerjee said :

My Lord, I beg to oppose the motion not that I am opposed to the extension of primary education not only to Calcutta but to every corner of Bengal. I am an advocate of primary education and I think that it is essential to extend primary education throughout Bengal in such a manner as to enable us to keep pace with the progress of the world. I object to the method which my Hon'ble friend suggests to adopt to find money—I mean the sources from which he wants to draw the money. My Lord, I do not belong to the medical profession and therefore I am not an authority to say anything on the necessity of these nurses. My Hon'ble friend Mr. Carter, who is the President of the Calcutta Hospital Nurses' Institution, of which I am also a Member, has told the Council how necessary it is to provide accommodation for these nurses, but in my opinion a patient is more competent to give his opinion as to the best means of alleviating human suffering in the sick bed. It is universally admitted by the medical profession and by the outside public that since the introduction of this nursing system that human suffering or at any rate the mortality has been reduced to almost an irreducible minimum. Now-a-days a physician finds himself helpless to attend a typhoid or pneumonia case if there is no nurse to attend the patient. A surgeon also refuses to make a

*Resolutions.**Rai D. C. Ghose Bahadur.*

major operation if he does not find a nurse ready to help him. In these circumstances I am surprised that my friend has come forward with a proposition interfering with the provision of quarters for nurses who obviously mitigate human suffering. Calcutta has been very meagre in its supply of nurses to all the hospitals. Owing to the war Government I believe could not make sufficient provision for the construction of nurses' quarters for the last four years, and when Government have provided a good sum for completing these quarters, I am really amazed that a man of the standing of my Hon'ble friend, who takes such interest in the mitigation of the distress of the poor, should come forward and ask Government to postpone the construction of the nurses' quarters. Secondly, I am also opposed to his proposal of taking money from one item and devoting it to another. He must be aware as a Member of the Finance Committee that after great deliberation the Finance Department have allotted certain amounts of money to certain heads and to come forward at the eleventh hour asking for diversion of money is simply, to say the least, to bring the machinery to a standstill. Finally, my Lord, I think it is time that our countrymen should recognise that if we want to extend our primary education we must nationalise it. It will never make any progress or headway if we are dependent only on the doles of Government. The Calcutta Corporation, the Corporation of the premier city of India, should first take the lead and set an example of nationalising the primary education system. It is nothing for the Calcutta Corporation to provide 6 lakhs and I would say that the poorer municipalities have a stronger claim on Government in these matters than the Calcutta Corporation which is rich enough to maintain their own schools.

The Hon'ble Rai Debender Chunder Ghose Bahadur said :

"My Lord, I should take a different position from that taken up by Sir Rajendra Mookerjee. I think I ought to support the motion of my hon'ble colleague Rai Radha Charan Pal Bahadur—not that I deprecate the idea of constructing the nurses' quarters, but as a rule the non-official members have to indicate the source from which the funds required have to be taken and I think my hon'ble friend Rai Radha Charan Pal Bahadur found no other alternative than to fall on this allotment of 6 lakhs, which is rather an expensive grant. But having regard to the fact that there had been no appeals in this Council for the construction of such quarters and that there had been repeated appeals in this Council for the extension of primary education, it is somewhat extraordinary that Government find their way to allot the whole sum necessary for the complete construction and equipment of the nurses' quarters and are not content to make an allotment for a partial construction of these quarters this year, leaving the completion of it to the succeeding year. I am a little familiar with the working of the Hospital Nurses' Institution, and therefore I am not one who is wanting in appreciation of the benefits arising from the labours of the nurses belonging to that institution. A remark has been made by the Hon'ble Mr. Carter about the want of support by the Indian community to this institution. The remark is quite true that the Indian community as a whole have not actually supported this institution, and the reason for it is clear. The Hospital Nurses' Institution has to bring its efforts to the knowledge of the people of the Indian community who ordinarily do not avail themselves of medical aid in hospitals. Our people from the lowest to the highest refuse to go to the hospital, and that being so they cannot imagine what benefits the nurses can give to the patients in hospitals. The efforts of this institution would have been brought to the knowledge of the Indian community if calls for attendance on sick patients at their homes had been responded to. But I can say that the nurses of this institution do not go for attendance at the residences of members of the Indian community. There might be some social difficulties

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or other difficulties and I can quite understand why they are not sent out by the authorities, but there remains the fact that such nurses are not sent out to the residences of members of the Indian community, and that being so, the complaint of the Hon'ble Mr. Carter loses much of its force. What I suggest, my Lord, is this—that half the amount which has been budgetted for the Hospital Nurses' Institution this year may be allotted for the actual construction of the building and the rest next year. We know that the cost of a building this year would be much more than the cost of a building next year, owing to the present abnormal rise in the price of all sorts of building materials. It would certainly be an economy if you do not spend the whole of this 6 lakhs this year, and therefore I would pray to your lordship that a certain portion of this money, say a sum of 1 lakh or 2 lakhs, and a certain sum from the grant-in-aid for education might be devoted for the purpose of starting primary schools in the town of Calcutta. If the Hon'ble Sir R. N. Mookerjee had honoured the Corporation with his presence he would have probably seen that the Corporation are not wanting in their duty and that they have certainly been doing their best unaided for the last 10 years, and that although Sir Charles Allen and his successors tried to do something in this direction, I may mention that only this year during the Chairmanship of the Hon'ble Mr. Payne a sum of 5 lakhs has been earmarked in the budget for the promotion of primary education in Calcutta. The true difficulty is this—there is a certain want of earnestness on the part of Government in this matter of promotion of primary education. We have read and heard that elsewhere very lately. Whenever there has been any question about primary education, the reply has been that unless there are trained teachers you cannot have primary schools and that this is a matter for the Provincial Government and not for the Imperial Government.' When we come to the Provincial Government we are told that there are no funds : there are funds for every possible thing but there are no funds for this thing, and we are told on the eve of the constitutional reforms by one party that you cannot enlarge the franchise because there is no mass education. I appeal to your Excellency whether my Hon'ble friend Rai Radha Charan Pal Bahadur has been failing in his duty in bringing this question to your Lordship's consideration or whether he has been trying to do his duty. Nothing has been said as yet by any Hon'ble Member as to why we should not get in the matter of promotion of primary education in the city of Calcutta a certain decent sum from the sum of 33'86 lakhs for works in progress as we find in the budget. That being so, I think that Government will feel some difficulty in not allotting a sum equal to what the Corporation has earmarked, that is a sum of 5 lakhs of rupees for the promotion of primary education in the city of Calcutta. The Hon'ble Mr. Wordsworth who wants that the purse strings of Government should be held very tight has found to his satisfaction that a sum of over .8 lakhs of rupees has remained unexpended when the year came to a close. I think better consideration of the educational needs of the province would have enabled him to expend the whole of this balance, and I think that if he will place himself in the position of an inhabitant of this place he, instead of counting his days for pension and retirement, would have sympathised with us and would have done something better than what he has done.

The President said :—I think it would be a convenience to the Muhammadan members if we take the adjournment now.

(AFTER LUNCH.)

The Hon'ble Maharajadhiraja Bahadur of Burdwan said :—

My Lord, the Hon'ble Rai Radha Charan Pal Bahadur has brought to the notice of the Government the question of the extension of primary education in Municipal Calcutta, and he has given a history of the activities of the

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Corporation and its Chairman and members from time to time drawing the attention of Government on the subject. If I have caught him aright, he begins by saying that an early speech of Mr. Hornell really drew the serious attention of the Calcutta Corporation to the subject. Then he refers to certain matters which the late Sir Charles Allen, Sir Archdale Earle and others had expressed on the subject in the Corporation. I think that so far as his case regarding the proposal that Government should make a grant of Rs. 5 lakhs is concerned, I do not think that at the present moment he has been able to make out a strong one at all. On the other hand, of course, he is justified to a certain extent in complaining that he is not aware what action has been taken on the subject of Mr. Dunn's report on an exhaustive survey of the question of primary and technical education in the city of Calcutta. First of all, I shall take the point about Mr. Dunn's report. I regret that there has been a good deal of delay in the department concerned regarding the taking up of this report. It is quite true that the date of the report is February 1918, and that practically a year has elapsed since the report was submitted, but there have been certain circumstances over which the Education Department had no control and, further, there has been this general question of primary education receiving the attention of Government which has, I may say to a large extent, been responsible for no departmental action having been as yet taken on Mr. Dunn's report excepting the fact that the Director of Public Instruction has informed the Chairman of the Corporation of the report and has also intimated the Government of it. The Government is awaiting the opinion and proposals of the Director of Public Instruction on Mr. Dunn's report. The hon'ble mover will admit that although there has been delay, Government must now await the report from the Director on the subject and send it on to the Corporation and stay action until the proposals of the Corporation are received.

I shall now deal with the question of the proposed provision of Rs. 5 lakhs on the part of Government, the Hon'ble Member himself knows that although the Calcutta Corporation, according to a subsequent speaker Rai Bahadur Debender Chander Ghose, has earmarked Rs. 5 lakhs for the purpose of the extension of primary education—and that information is no doubt gratifying to Government—there are no schemes ready at present, I think therefore that before Government could be expected to provide any funds in the budget it must have from the Corporation the information as to whether or how far they are willing to accept Mr. Dunn's proposals and on those proposals what they themselves propose to do for the extension of primary education in the city, because it may be quite possible that when they have considered Mr. Dunn's report they may find that the sum which they have earmarked may be quite inadequate or that revised figures will be required. All these matters have got to be taken into consideration before one could expect Government to put in any figure in the budget. But on this point I may say that if during the current year the Corporation after hearing from Government officially on Mr. Dunn's report and after going into the thing thoroughly they bring forward before the Government a crystallized scheme for consideration, that later on we might possibly be able to give it a start say, by next year, and Government would then consider favourably the question as to whether or not it would be possible for Government to make a grant from the savings from the grants-in-aid, but at the present moment it is quite impossible for Government to hold out any promise or to put into the budget any definite figure. Moreover, I think the Hon'ble Rai R. C. Pal Bahadur must realize that we are about to go into the whole question of primary education on a voluntary basis if the Bill of Babu Surendra Nath Ray is passed into law which contemplates the provision of an adequate system of voluntary education; and that being so, I may say that Government is bound, in making any programme for the extension of primary education, to look into the claims of municipalities

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and district boards first. I do not say for a moment that Government does not propose to consider favourably the question of primary education in this city, but as Sir R. N. Mookerjee has very rightly pointed out, the poorer municipalities and urban areas should, I think, have prior claim in this matter. As I have already said, when Mr. Dunn's report has been sent on officially to the Corporation and the Corporation has considered the proposals carefully, I am quite prepared to look into the matter and see if it be possible, say this time next year, to contribute something towards it. But as things are at present, while I regret the delay on the part of the department concerned in going into the merits of Mr. Dunn's report and proposals, there being no proposals of the Corporation before Government, Government would not be justified in making any provision in the budget, and I think also that the Bill of Babu Surendra Nath Ray and the effect it has on municipalities at large should be watched. For these reasons I trust that the Hon'ble Rai Radha Charan Pal Bahadur will not press for his resolution. All that I can say is that Government are fully alive to the requirements of the City of Calcutta and it is for that very reason that they appointed Mr. Dunn to go into the question. It is to be regretted that the consideration of the report has been delayed, but there is no reason why it should not be gone into in the present year and that a crystallized scheme might be possible to work upon from the very next year. For these reasons, my Lord, I cannot recommend the Government to accept the proposal made by the Hon'ble Rai R. C. Pal Bahadur.

The Hon'ble Rai Radha Charan Pal Bahadur said :—

My Lord, I have listened to some of the criticisms on my resolution and the most courteous way in which the Hon'ble Mr. Carter has opposed my motion with special reference to my proposal to appropriate some of the money in connection with the nurses' institution deserves a courteous reply. I quite recognize the importance of the provision of quarters for nurses in connection with the Medical College. I was in the Finance Committee, when this matter came up, and I may say, if I am permitted to observe, there was some suggestion that the whole sum may not possibly be spent this year. This Rs. 6,30,000 comprises Rs. 4,30,000 for acquisition of land and Rs. 2,00,000 for building. From our experience in other public bodies with which I am connected, I may state that the acquisition of land cannot be done in the twinkling of an eye. It goes through a certain process and there is inevitable delay and I do not know whether it would be possible to acquire the land and construct the buildings, that is to say, to spend the whole sum of Rs. 6,50,000 during the next twelve months. I made this suggestion not with a view to curtail the expenditure but with a view to utilize the probable savings. This is my explanation. The proposal was not made in an unsympathetic spirit or in a spirit to deprive the nurses of the quarters which they well deserve, and I hope this explanation will be accepted by my hon'ble friend. As regards the observations of Sir R. N. Mookerjee I must say that I do not know what reply I should give. As regards the nurses I have submitted my explanation which covers also his observation with reference to my proposal. I suggested that a certain sum of money from the grant-in-aid for education be given towards primary education and Sir Mookerjee said that Government after considering all the needs had prepared the Budget. As far as I have been able to follow him, he does not think that a responsible member of this Council should propose any reduction of the allotment which Government have thought fit to make from the budget and suggest utilization in another way. My Lord, I have been for two generations associated with the public affairs of the city and I do not know whether any responsible member would be doing his duty shrinks from making a suggestion in moving a resolution that a certain sum of money may be appropriated from a particular head because Government have thought fit to allot that sum of money on that head.

*Resolutions.**Maharajadhiraja Bahadur of Burdwan; Rai R. C. Pal Bahadur.*

It may be that the proposal as regards the appropriation from this particular head is not quite possible or feasible, but we non-official members are outside the Government machinery and if we do not suggest possible items from which appropriation may be made our resolutions will not be admitted, and if we are not to say anything on any item and to sit quiet and say "Sallam Sir, we pass the budget" then what is the good of holding these Council meetings. I do not think, my Lord, that is the experience of public life whether in your country or mine.

I am quite grateful to the Hon'ble Maharajadhiraja of Burdwan for the sympathetic way in which he has received the proposal and as your Excellency must be well aware during your short stay in this country that we Indians are very grateful for a little sympathy, whether it may prove substantial or not and, therefore, I am rather grateful to the Hon'ble Member for the assurance he has given. But, my Lord, I may be permitted to state that to a certain extent I have been justified in my observation that there has been such a long delay in this matter that one cannot help drawing the attention of Government to the urgency of the matter. I forgot to mention that the Corporation has earmarked Rs. 5 lakhs in anticipation of any scheme that may be prepared, but there is one thing in the speech of the Hon'ble Maharajadhiraja Bahadur of Burdwan: He says that the Corporation should prepare the scheme, but I find from Mr. Dunn's report that the Education Department will prepare the scheme, because they are in a better position to do so, and then the scheme will come up to the Corporation for consideration. That was the proposal, and I do not know whether it is now to be left to the Corporation to prepare the scheme.

The Hon'ble Maharajadhiraja of Burdwan said :—

May I explain? What I meant was this, that when the Government sends to the Corporation the proposals made by Mr. Dunn it will no doubt at the same time outline the scheme which Government thinks should be considered by the Corporation and that I think is what the Hon'ble Rai Bahadur Radha Charan Pal is aiming at. No doubt the scheme will be outlined by Government itself and not by the Corporation and it will then be for the Corporation to consider the proposals they receive from Government.

The Hon'ble Rai Radha Charan Pal Bahadur then continued :—

Now I quite follow it. I understand that the report will be forwarded with the proposals of the Director of Public Instruction to the Corporation. I hope, my Lord, that it will be soon done, and then, I think, that during the next twelve months perhaps some progress will be made, and having regard to the present state of primary schools in Calcutta, I think, if some provision is made in the budget, there will be a possible chance of expediting the work or rather the education department would be compelled to bring the subject to a practical shape. This is another aspect of my proposal. Further, the Corporation has earmarked Rs. 5 lakhs without any scheme before them, and the amount of Rs. 5 lakhs which I have proposed is only an equivalent sum and nothing more, and if this sum is also set apart for the promotion of primary education in Calcutta, I do not think that will be spent at once, but possibly a certain sum of money will be available for a workable scheme within the next 6 months. It may be said—why should we so earmark Rs. 5 lakhs when the scheme is not before us? But, there is such a thing as transfer from one head to another or savings and utilization of savings. I do not think Government will be hampered in any way. If the amount of Rs. 5 lakhs is set apart and if the whole sum is not spent together with the Corporation money, I think Government will be in a position to transfer the savings to another item they may think fit. This is

*Resolutions.**Sir Henry Wheeler.*

important and it will have the effect of urging the Education Department to go on more expeditiously than they have hitherto gone in connection with this matter and that some practical results will ensue within a reasonable time during the next twelve months. I do not know whether I should press this motion, because I quite see the fate of this motion, but I am quite content to leave the matter in the hands of Government. I have done something, that is, I have drawn the attention of the Government and I hope this subject will not be allowed to lie pigeon-holed anywhere. I may be pardoned if I say the Government may be charged with the same charge that the Corporation was charged some years ago—it is, of course, ancient history. Towards the end of seventies a very clever Secretary to Government who was always opposed to the Corporation—I refer to Sir Alexander Mackenzie—in this Council said: “the Corporation is an arsenal of delays and manufactory of speeches.” May I not also say that the Government department is an arsenal of delays and manufactory of red-tape. I hope that now that this matter has been brought prominently to your Excellency’s notice speedy progress will be made.

The Hon’ble Sir Henry Wheeler said :—

My Lord, there are two points on which there appears to be a misapprehension which I should like to clear up at the close of the debate. The first is with reference to the remarks which have just fallen from the Hon’ble Rai Radha Charan Pal Bahadur, that there will be no harm in reducing the allotment which has been made for the acquisition of land for the nurses’ quarters, in so far, as I understand, that land acquisition proceedings ordinarily take time and therefore money to this large extent is not likely to be spent during the ensuing year. I think the Hon’ble Member forgets the fact, which as a member of the Improvement Trust he might have remembered, that we are taking up this land on the frontage of the avenue which has already been acquired by the Trust, and we can pay the Trust for it in one lump-sum by a cheque, a process that should not take an undue time, even in a red-tape Government office.

The second point has reference rather to an incidental issue, and I mention it, especially in the absence of the Hon’ble Mr. Carter, who, if he had been here, would probably have desired to challenge the implication made. I have not the slightest intention of going into the merits or demerits of the comparative subscriptions respectively made by the European or Indian community to the Calcutta Hospital Nurses’ Institution, but I gather from the speech of the Hon’ble Rai Debender Chunder Ghose Bahadur, that he argues in extenuation of the allegation that adequate Indian help is not forthcoming, that the Institution is rather designed to supply private aid to Europeans which is denied to Indians. The facts are not so, and I think it should be made clear that they are not. I have here the report of the Calcutta Hospital Nurses’ Institution for the year 1917, and I find that the Institution was founded in 1859 chiefly owing to the influence of Lady Canning, wife of the first Viceroy of India. *The main object of the Fund is to train and provide nurses free of charge in the leading Calcutta hospitals*, although it is true that the Lady Canning Home nurses are supplied at moderate charges for private cases. A few *dhais* are also maintained at the Eden Hospital for private work among Indian families. It is hospital nursing which is the main object of the scheme. When we turn to details, we find that in the Presidency General Hospital, as against the hospital staff which numbers 67, there are only 6 Canning Home nurses. Even as regards them it is mentioned in the report that these out-nurses nursed only 110 cases, and that many had to be refused especially in October and November when Canning nurses had to be employed on ward and night superintending duties owing to shortage of the hospital staff from illness and nurses leaving. When we come to the

*Resolutions.**Rai R. C. Pal Bahadur.*

expenditure on the Canning Home nurses we find 3 items totalling Rs. 7,817, against which we have fees from out-cases amounting to Rs. 8,541. Thus it will be seen that these out-nurses are apparently self-supporting. When we come to the Medical College, we find in the Medical College Hospital, Prince of Wales Hospital and Eden Hospital altogether 90 nurses, and no out-nursing staff except *ahais* who are employed in Indian homes. I think, my Lord, it is desirable to correct the misapprehension that the work of the Institution is primarily concerned with private European out-nursing instead of with the hospitals, in which European and Indian patients are nursed alike.

The resolution was then put and lost.

APPENDIX TO THE LIST OF BUSINESS—ITEM No. 19.

The Hon'ble Rai Radha Charan Pal Bahadur moved the following resolution :—

This Council recommends to the Governor in Council—

- (a) that a provision of Rs. 1 lakh be made for water-supply and for the general sanitary improvement of the riparian municipalities in the vicinity of Calcutta; and
- (b) that the expenditure be met from the allotment of Rs. 33,80,000 for works in progress.

He said :—

" My Lord, in moving this motion I have to make one preliminary observation to make it clear. It is a very modest sum of Rs. 1 lakh that I have asked for and my object is that that sum may be given to the riparian municipalities by way of subvention for the improvement of water-supply and drainage for those municipalities. Looking to the history of the water-supply to the riparian municipalities I find, my Lord, that the long-thought of scheme of a combined water-supply has been before the Government for the last twenty years. I do not know where that scheme may be lying now—rather what has become of that scheme. This scheme was brought forward, as far as my memory goes, some twenty years before to enable the riparian municipalities in the vicinity of Calcutta to introduce water-supply in their area. I think it was estimated to cost about Rs. 30 lakhs. But very little attention has been shown to it in this Council. The Hon'ble Sir Syed Shamsul Huda, in the budget debate of 1916-17, in reply to the Hon'ble Babu Surendra Nath Banerjee, who referred to the scheme of water-supply to the riparian municipalities and who said that the municipalities concerned knew nothing whatever as to what was going on, declared that nothing would be done without consulting the municipalities concerned. Again, in the budget debate of 1916-17, we were told that there was a large scheme, known as the riparian water-supply scheme and that details of that scheme were being worked out and that the report of the Sanitary Board was being awaited. The Bihar and Orissa Government have already established a water-board at Jherria. But here this scheme is being considered and re-considered over and over again and it has not yet taken any practical shape or effect. I think, my Lord, that something should be done in view of there being so much delay in maturing that scheme to help these neighbouring municipalities to improve their water-supply and drainage and also in view of the fact that the surplus population of Calcutta is moving in that direction. The operations of the

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Rai M. C. Mitra Bahadur; Rai D. C. Ghose Bahadur.

Improvement Trust and the operations of the Calcutta Municipality are displacing a large number of people. Having regard to this fact and also to the fact that there is a pressing necessity of improving the water-supply and drainage of the suburban area, I have moved the resolution.

The Hon'ble Rai Mahendra Chandra Mitra Bahadur said :

"My Lord, I wish to make a few observations in this connection. It is a known fact that the supply of filtered water to the riparian municipalities is a great advantage to them who have to reside there. Malaria, cholera, etc., have now been stamped out by the introduction of water-works. If your Excellency refers to municipalities on this side of the river in the vicinity of Calcutta your Excellency will find a desire for filtered water prevailing to a great extent among the people. The matter was brought to the notice of the Government several times and the Sanitary Engineer, I am told, have prepared schemes for water-supply. But these schemes have not been operated upon and nothing has yet been done. My submission is that early steps should be taken to give effect to these schemes. The Hon'ble mover of the resolution has asked for a grant of Rs. 1 lakh. I submit it is a very small amount. But whether small or great the question before the Council is that the riparian municipalities should be provided with a supply of filtered water. The question, as my hon'ble friend pointed out, was proposed twenty years ago. Even before that the scheme was considered but nothing definite was done. Some riparian municipalities who have independent means have been able to provide water-supply without the help of Government, but others have been left in the dark. As the question has now come before the Council I think Government should lose no time in giving effect to the scheme. If the scheme is not a general one I submit to your Excellency's Government that they will take the matter up in right earnest. All that I can say from the weight of my limited experience is that if the scheme is to be in operation many diseases will be stamped out and even malaria would cease to exist. My Lord, I think there ought to be a scheme for the supply of filtered water within the jurisdiction of District Boards. I myself thought out a plan in this connection and, if the scheme which is now under the consideration of Government, I am sure that the days are not distant when all the villages and towns in Bengal will be supplied with filtered water, and if this is done I am sure that malaria and other diseases will go away for ever. With these words I beg to support the resolution."

The Hon'ble Rai Debender Chander Ghose Bahadur said :—

"My Lord, I will not take up much of the time of the Council and that for one reason. I have no exact knowledge of affairs of the riparian municipalities except in the 24-Parganas. I would, therefore, confine myself to one particular point. If these riparian municipalities were to get a supply of filtered water it will not only be of help to the people in those localities, but also a great relief to the residents of Calcutta. At the present moment we have to sell a good portion of our water to these municipalities. It is not a case of voluntary sale, but we are commanded by the Government to do so. Of course we get a price, but it is also a fact that we do not sell the water of our own accord. We have got a great need for water ourselves. My Hon'ble friend, Mr. Phelps, may not feel the want of it as he lives in the southern portion of the town, but those who live in the northern division feel the insufficiency of water-supply. That has been a grievance with our people, but I am glad to say that the Chairman of the Corporation and many of the Commissioners are alive to it. It stands to reason that these riparian municipalities on the river Hooghly, or very close to it, should have their own machinery for the supply of filtered water and they should discontinue having filtered water from the

*Resolutions.**Babu S. N. Ray.*

Calcutta Corporation. I do not know whether the grant of Rs. 1 lakh will be a substantial help in forwarding this project. Probably the Hon'ble Member has mentioned this sum for the consideration of this Council, showing the necessity of getting the riparian municipalities to combine to have their own water-supply. I beg to support the resolution."

The Hon'ble Babu Surendra Nath Ray said :—

"My Lord, I should like to say few words with reference to this resolution. My Hon'ble friend, Rai Radha Charan Pal Bahadur, is probably under a misapprehension when he said that there has been a scheme—a matured scheme—for the last twenty years. A scheme was prepared only about four years ago, and that scheme was matured through the kind exertions of the President of the Sanitary Board—the Hon'ble Mr. Stevenson-Moore; and by that scheme we wanted to supply all the municipalities from Cossipur-Chitpur up to Kanchrapara—there are about 13 to 14 municipalities—and the original cost of that scheme was estimated to be at least Rs. 35 lakhs, and now it is estimated to cost about Rs. 43 to Rs. 44 lakhs. There was a conference of mill-owners on the east of the river Hooghly as well as some of the leading municipal Commissioners and Chairmen of municipalities and some of the members of the Sanitary Board under the Presidentship of the Commissioner of the Division, Mr. Lang. At first the mill-owners wanted to co-operate with the Government in this riparian scheme, but on account of the war nothing happened. In the meantime the number of mills increased and the mill-owners installed their own machinery; and in Garulia, Jagadal, Bhatpara and in Naihati, the mill-owners set up their own machinery and supplied the people of the locality with their own water. So the original scheme which would have cost about Rs. 35 to Rs. 40 lakhs cannot be given effect to. It is only in municipalities from Cossipore-Chitpur up to Barrackpore that we can give effect to a portion of the scheme. So it is no doubt a fact that we wanted to bring the scheme as early as practicable to the notice of Government, and in fact a draft Bill was ready, but on account of the war nothing could be done. But now it would be impossible to give effect to the original scheme, having regard to the attitude of the mill-owners. Probably it is not a fact known to my friend that most of the municipalities from Garulia up to Naihati are managed by mill-owners, and it is the mill-owners who supply filtered water in many places not only to their own workmen but also to the people of those localities. Even if the scheme be revised and a new scheme be prepared, designed to supply filtered water to the municipalities from Cossipore-Chitpur up to Barrackpore, that scheme would, I think, cost no less than Rs. 35 lakhs, and the grant of Rs. 1 lakh to these riparian municipalities would mean a drop in the ocean. Of course, it will be for the Sanitary Board to approach Government with this modified scheme, and now that the war is over it is probable that Government will also be able to help us with some money, and then it will be necessary for us to find out the ways and means. The Calcutta Corporation has always been a very conservative Body—at least that has been my experience of the institution. My Hon'ble friend told us an ancient history. I have also some ancient history to tell. It is about eighteen years ago that I was Vice-Chairman of the Garden Reach Municipality and a Commissioner of the Calcutta Corporation. The Garden Reach Municipality wanted filtered water very badly. I moved a resolution in the Calcutta Corporation to supply the Garden Reach Municipality with filtered water. But the attitude of the Commissioners was anything but friendly and it was only through the help of the then Chairman, Mr. Bright, that the Garden Reach Municipality was supplied with filtered water, and then a clause was inserted in the Bill of 1899 that some of the municipalities in the neighbourhood of Calcutta would get a supply of filtered water from the Calcutta Corporation—I think it is section 278 of the Calcutta

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Municipal Act. That gave power to the Government to order the supply of filtered water to the neighbouring municipalities. Some of the municipalities have already been supplied with filtered water by the Corporation; and they are the South Suburban, Tollygunge and Cossipur-Chitpur municipalities, because these municipalities agreed to take a certain quantity of water. But now on account of filtered water being appreciated by other municipalities, the demand on the Calcutta Corporation is daily increasing, and what is the result? The result is that instead of charging four annas per thousand gallons as they used to charge before, the Calcutta Corporation is now charging six annas, not only for the excess quantity but also for the agreed quantity; I do not suppose that the supply of water of the Calcutta Corporation is unlimited, but still they have got to supply the neighbouring municipalities with water. Therefore, I think, that the Government might consider the desirability of supplying the Calcutta Corporation with new pipes so that these neighbouring municipalities might be supplied with a larger quantity of water and the charge which the Calcutta Corporation is now making be reduced to four annas per thousand gallons as before.

The Hon'ble Maharajadhiraja Bahadur of Burdwan said :—

My Lord, the Rai Bahadur at first sight appeared to be approaching this subject with a very charitable intention towards these riparian municipalities, but now that he has let the cat out of the bag I gather that the real object is that the Calcutta Corporation should be relieved of the amount of water they have to supply to these riparian municipalities. Hence this resolution. Government have not been idle over this matter. I do not know of any old scheme which perhaps the Rai Bahadur who generally has a weakness for looking up old reports might have come across; we only know of the scheme that was prepared a few years ago by Mr. Williams and regarding which reference has been made by the Hon'ble Babu Surendra Nath Ray. That matter has been before the Sanitary Board and, I believe, it is still before them, and has to be taken up again. The question is this: There are quite a number of these municipalities, regarding which Government have prepared a large water-supply scheme, the cost of which comes up roughly to about Rs. 36 lakhs, and of this, the share of the municipalities concerned is estimated at a little over Rs. 9 lakhs. Of these municipalities two have declined to join—one municipality has said that it cannot afford to take advantage of the scheme. Then, we come to the mill areas to which some reference has already been made by the Hon'ble Babu Surendra Nath Ray. We find that a number of these mills have got their own arrangements for water-supply and are therefore strongly opposed, because they fear that water-tax will be levied on them in spite of their having their own water-supply. We have thoroughly gone into the question, but so far have been unable to meet the mill-owners so we have again referred the matter to the Sanitary Board whose views are awaited. That being the case, I think it must be apparent to the Hon'ble Members present here that to ask to provide Rs. 1 lakh, when there is no definite scheme before us and when no particular municipality has been specified, would be not only futile, but, if I may say so, absurd. That being so, my Lord, I do not think that any case has been made out for which the Government should make a provision of Rs. 1 lakh for the improvement of water-supply to the riparian municipalities, and I cannot, therefore, recommend to Government the acceptance of this resolution.

The Hon'ble Rai Radha Charan Pal Bahadur said :—

My Lord, I have listened to the observations made by the Hon'ble Maharajadhiraja Bahadur of Burdwan. He thinks that the cat is out of the

*Resolutions.**Rai R. C. Pal Bahadur.*

bag because the Corporation wanted to be relieved of the obligation for the supply of water to the neighbouring municipalities. I think, my Lord, that was not letting the cat out of the bag, because it is well known that the Corporation desire to be relieved of the obligation and that, although they are willing so far as practicable to help the neighbouring municipalities with their limited resources, they think that we must press the Government to bring the scheme to a head. Of course I do not want to quarrel about the age of the scheme. I would not care how many schemes have been superseded or not. The question is one of combining these municipalities into one for the purpose of promoting a water-supply scheme as was proposed in 1878. If my hon'ble friend would look into the proceedings of the Legislative Council of the year 1878, he will find that the scheme was proposed in Sir Ashley Eden's time. This subject is as old as 1878 and probably older. I distinctly remember, and I am speaking from my memory that the scheme was started in Sir Ashley Eden's time when the Hon'ble Mr. Mackenzie was the Municipal Secretary, and the Government insisted on the Calcutta Municipality supplying water to the neighbouring municipalities. Though the Corporation are supplying water their resource is limited. I know, of course, that Rs. 1 lakh is merely a drop in the ocean considering their needs. I have explained that I have suggested that amount only to bring the matter to the attention of Government who may see the necessity of doing something to provide riparian municipalities with an efficient water-supply. That is the reason that I have mentioned this sum.

The resolution was then put and lost.

APPENDIX TO THE LIST OF BUSINESS—ITEM No. 22.

The Hon'ble Rai Radha Charan Pal Bahadur moved the following resolution :—

This Council recommends to the Governor in Council—

(a) that a grant of Rs. 1 lakh be made in favour of District Boards and Municipal Charitable Dispensaries for the introduction of the Ayurvedic system of medicine, and

(b) that the amount be met from—

(i) the provision of Rs. 45,000 for the Press Censor under the general administration charges, and

(ii) the balance from the general reserve of Rs. 2 lakhs for unforeseen charges under 32--Miscellaneous.

He said :—

My Lord, with reference to this motion, I understand that some of the municipalities and district boards are inclined to take up this matter themselves, so there is no need for me to move this resolution. They have expressed a very laudable desire, but I do not know how far the desire will be fulfilled. But I should like to wait and see the result. But I think the sum of Rs. 45,000 for the provision of Press Censor may be utilized otherwise, as I understand the Press Censorship has been abolished, and there is no need for this sum now.

*Resolutions ; Adjournment.**Sir. Henry Wheeler.*

The Hon'ble Sir Henry Wheeler said :—

It may remind the Hon'ble Member that this sum has already been allotted on the resolution of the Hon'ble Babu Ambika Charan Mazumdar.

The resolution was then, by leave of the President, withdrawn.

ADJOURNMENT.

The Council was then adjourned to Thursday the 27th March, 1919, at 11 A.M., at Government House, Calcutta.

A. M. HUTCHISON,

Secy. to the Govt. of Bengal and

Secy. to the Bengal Legislative Council (offg.).

CALCUTTA,

The 5th March 1919



The Calcutta Gazette

WEDNESDAY, APRIL 16, 1919.

PART IVA.

Proceedings of the Bengal Legislative Council.

GOVERNMENT OF BENGAL.

LEGISLATIVE DEPARTMENT.

Abstract of the Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act, 1915.

THE Council met in the Council Chamber at Government House, Calcutta, on Thursday, the 27th March, 1919, at 11 A.M.

Present :

His Excellency the Right Hon'ble LAWRENCE JOHN LUMLEY DUNDAS, EARL OF RONALDSHAY, G.C.I.E., Governor of the Presidency of Fort William in Bengal, presiding.

The Hon'ble SIR HENRY WHEELER, K.C.I.E., C.S.I.

The Hon'ble MR. J. G. CUMMING, C.S.I., C.I.E.

The Hon'ble SIR BIJAY CHAND MAHTAB, K.C.S.I., K.C.I.E., I.O.M., Maharaja-dhiraja Bahadur of Burdwan.

The Hon'ble MR. J. H. KERR, C.S.I., C.I.E.

The Hon'ble MR. C. J. STEVENSON-MOORE, C.V.O.

The Hon'ble MR. F. C. FRENCH, C.S.I.

The Hon'ble MR. J. DONALD, C.I.E.

The Hon'ble MR. L. S. S. O'MALLEY, C.I.E.

The Hon'ble MR. H. P. DUVAL.

The Hon'ble MR. M. C. McALPIN.

The Hon'ble Mr. F. A. A. COWLEY.

The Hon'ble COLONEL J. K. CLOSE, M.D., I.M.S.

The Hon'ble Mr. W. C. WORDSWORTH.

The Hon'ble Mr. C. F. PAYNE.

The Hon'ble Mr. S. G. HART.

The Hon'ble KHAN BAHADUR MAULVI AMINUL ISLAM.

The Hon'ble SIR RAJENDRA NATH MOOKERJEE, K.C.I.E.

The Hon'ble SIR NILRATAN SARKAR, KT.

The Hon'ble Mr. R. V. MANSELL, O.B.E.

The Hon'ble Mr. W. H. H. ARDEN-WOOD, C.I.E.

The Hon'ble Mr. AMINUR RAHMAN.

The Hon'ble RAJA HRISHIKESH LAHA, C.I.E.

The Hon'ble Mr. L. V. N. MEARES.

The Hon'ble Mr. PROVASH CHUNDER MITTER, C.I.E.

The Hon'ble BABU SIV NARAYAN MUKHARJI.

The Hon'ble KUMAR SHIB SHEKHARESWAR RAY.

The Hon'ble Mr. ARUN CHANDRA SINGHA.

The Hon'ble SIR DERA PRASAD SARBADHIKARI, KT., C.I.E.

The Hon'ble RAI DEBENDER CHUNDER GHOSE BAHADUR.

The Hon'ble RAI RADHA CHARAN PAL BAHADUR.

The Hon'ble Mr. F. W. CARTER, C.I.E., C.B.E.

The Hon'ble Mr. W. E. CRUM, O.B.E.

The Hon'ble Mr. W. H. PHELPS.

The Hon'ble DR. ABDULLA-AL-MAMUN SUHARWARDY.

The Hon'ble MAULVI ABUL KASEM.

The Hon'ble Mr. M. ASHRAF ALI KHAN CHAUDHURI.

The Hon'ble MAULVI A. K. FAZL-UL-HAQ.

The Hon'ble Mr. ALTAF ALI.

The Hon'ble BABU AKHIL CHANDRA DATTA.

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR.

The Hon'ble BABU SURENDEA NATH RAY.

The Hon'ble BABU KISHORI MOHAN CHAUDHURI.

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR.

Questions and Answers.

(UNSTARRED QUESTIONS.)

(Answers to which were laid on the table).

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

1.

Will the Government be pleased to make a statement showing the industries that have been started in the Presidency since the outbreak of the war for the manufacture of goods of which Germany was the sole or chief importer?

Industries started in Bengal since the outbreak of the war.

Answer by the Hon'ble Mr. Donald:—

"The Hon'ble Member is referred to the answer to his question No. LXVIII put on the 3rd July, 1918."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

2.

(a) With reference to the recommendations made by the Board of Agriculture at the meeting held in December, 1917, at Poona, will the Government be pleased to state what action has been taken in pursuance thereof?

Action on the recommendations of the Board of Agriculture.

(b) Is it a fact that at the said meeting the Board specially recommended the early establishment, as an experimental measure, of a limited number of vernacular agricultural middle schools in the provinces?

(c) If so, what steps have the Government taken in this direction?

(d) Are the Government aware that four such schools have been started in the Bombay Presidency, and that the official reports state that they have been very popular and that there are demands for the opening of more such schools from many quarters in the Presidency of Bombay?

Answer by the Hon'ble Mr. McAlpin:—

"(a) The following action has been taken by this Government on the recommendations made by the Board of Agriculture at their meeting held at Poona in December, 1917:—

Subject.	Action taken.
Subject VIII—Veterinary education.	It has been decided to improve the prospects of the Veterinary Assistants and to raise their pay from Rs. 30—12—70 to Rs. 50—12—100 a month with effect from 1st April, 1919.
Subject IX—Manure ...	Steps have been taken to encourage the use of manures of proved suitability, such as bonemeal and the like, by the advance of loans under the Agriculturists' Loans Act to cultivators for the purchase thereof.
Subject XII—Co-operation between District Boards and the Agricultural Department.	Measures have been adopted for enlisting the interest of District Boards in agricultural work by co-operation in payment for the establishment and maintenance, and in the management of agricultural farms at the headquarters of districts.

Questions and Answers.

Subject.	Action taken.
Subject XII—The best means of bringing improved methods of agriculture to the notice of cultivators.	The report of the sub-committee appointed to consider this question, which was adopted by the Board of Agriculture, has been commended to the attention of all District Boards and District Agricultural Associations.
Subject XVII—Agricultural education.	The Hon'ble Member is referred to the answer given to question (c) below.

Some of the subjects are still under the consideration of the Government of India, and their orders are awaited.

(b) The answer is in the affirmative.

(c) The Government of India have sanctioned a grant of Rs. 1,80,000 for expenditure on agricultural education in this Presidency. It has been decided to utilise this amount by the establishment of two agricultural middle schools—one at Dacca and the other at Chinsura. A scheme has been prepared, and steps have been taken for the construction of the buildings.

(d) The answer is in the affirmative."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

3.

Will the Government be pleased to make a statement—

- showing, year by year, the total number of Bengali students in the Sabour Agricultural College and the ratio they form of the total number of students in the College; and
- showing the contributions made by the Government of Bengal towards the upkeep of the institution since its establishment?

Answer by the Hon'ble Mr. McAlpin:—

"(a) A statement is laid on the table furnishing the information required.

(b) The College was designed to serve the needs of both the provinces of Bengal and Bihar as at present constituted: and before the redistribution of territories on the 1st April, 1912, the cost of maintenance was borne entirely by the Government of Bengal as then constituted. Since then, the institution has been maintained by the Government of Bihar and Orissa, and no contribution has been made by the Government of the Bengal Presidency."

Statement referred to in the answer by the Hon'ble Mr. McAlpin to question No. 3 (Unstarred) asked by the Hon'ble Babu Brojendra Kishor Ray Chaudhuri at the Council meeting of the 27th March, 1919, showing, year by year, the number of Bengal students in the Sabour Agricultural College and their ratio to the total number of students in the College.

Year.	Total number of students in the College.	Number of Bengal students.	Ratio per cent.
1910-11	18	13	72
1911-12	29	21	72
1912-13	27	21	78
1913-14	17	11	65
1914-15	20	13	65
1915-16	35	20	57
1916-17	35	17	49
1917-18	Not known	17	...

Bengali students of, and Government contribution towards, the Sabour Agricultural College.

*Questions and Answers.***By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—**

4.

Are the Government aware of the grievances of the public who travel on the Mymensingh-Bhairab Railway arising out of an excessive rate of fare, and the want of a regular provision of inter-class carriages, particularly for ladies, in most of the trains running on this line?

Grievances of the public travelling on the Mymensingh-Bhairab Railway.

Answer by the Hon'ble Mr. Cowley:—

"The Hon'ble Member in the first part of his question probably alludes to the question relating to the subject of fares and pontage charge over the Mymensingh-Bhairab Bazar Railway asked by the Hon'ble Rai Sri Nath Ray Bahadur at the Council Meeting held on 20th November, 1917. The Hon'ble Member is referred to the reply given on that occasion.

In regard to the second part of the question Government are aware that the Coaching stock of the Assam-Bengal Railway at present available is inadequate to provide fully for the requirements of the travelling public. The situation has been created by the war. The Railway authorities report that additional stock is expected during the coming financial year but it will be some time before the stock of the line will be sufficient to meet all requirements."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

5.

(a) Is it a fact that economic distress has been caused by the rise in the prices of food-stuffs?

Economic distress caused by the abnormal prices of food-stuffs.

(b) If so, will the Government be pleased to state whether there is any likelihood of the prices going down in the near future, particularly in so far as rice, kerosine oil and cloths are concerned?

Answer by the Hon'ble Mr. Donald:—

"The Hon'ble Member is referred to the Hon'ble Sir Henry Wheeler's speech on this question at the meeting of this Council on the 18th and 19th, February. It is difficult to forecast the future in the matter of prices as so many factors are involved, including supplies, monsoon and labour conditions, freight and tonnage. These factors are more than local and concern the world generally. It is thus impossible to prophesy as to the future trend of prices one way or the other."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

6.

Will the Government be pleased to make a statement showing, district by district, the progress of literacy among the rural population in the Government estates in the Dacca division, and the steps taken for agricultural improvement in the aforesaid areas, in 1916-17 and 1917-18?

Progress of literacy and agricultural improvement in the Government estates in the Dacca division.

Answer by the Hon'ble Mr. McAlpin:—

"A sum amounting to 1 per cent. of the gross collections in Government estates is annually spent on education in Government estates, distribution being made by the Education Department. Government have no special information regarding the spread of literacy in such areas in the Dacca division."

Questions and Answers.

During the years 1916-17 and 1917-18 sums of Rs. 7,000 and Rs. 15,000 were allotted by the Board for agricultural and sanitary improvements in Government estates of the Dacca division, excluding the Sundarbans; these sums are distributed by the Commissioner between different districts."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

7.

Management charges of the estates under the Court of Wards.

Will the Government be pleased to make a statement showing, for the last five years, the management charges of the estates under the Court of Wards, explaining, in each instance, the causes responsible for exceeding the standard of 10 per cent?

Answer by the Hon'ble Mr. McAlpin:—

"The Hon'ble Member is referred to columns 10 and 11 of Appendix II of the Annual Reports on the administration of Wards', Attached and Trust Estates in the Presidency of Bengal for the years 1913-14, 1914-15, 1915-16, 1916-17 and 1917-18, which show the management charges of the estates under Court of Wards and the percentage of such charges on the current rent and cess demand; and to paragraph 10 of the Reports which give the causes responsible for the excess over the standard of 10 per cent. so far as available."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

8.

Mortality of infants under one year in Bengal.

(a) Will the Government be pleased to state the number of deaths of infants under one year in Bengal in 1917-18?

(b) Is it a fact that infantile mortality is high? If so, are the Government considering the desirability of instructing the Sanitary Commissioner, Bengal, to draw up a scheme for its prevention?

(c) If any such scheme has already been submitted, what action, if any, has been taken to carry out the suggestions contained therein?

Answer by the Hon'ble Mr. O'Malley:—

"(a) The number of deaths in 1917-18 was 308,537.

(b) and (c) Infantile mortality is undoubtedly high in Bengal. No scheme for the prevention of infantile mortality has yet been prepared, and, as stated in the reply given to question No XII asked by the Hon'ble Raja Mahendra Ranjan Ray Chaudhuri at the meeting of the Council held on 6th March, 1916, the causes responsible for the high proportion of infantile deaths are so inextricably bound up with the domestic life and social customs of the people that they cannot be eradicated by any special action on the part of Government. As stated, however, in the reply to question No. 20 by the Hon'ble Sir Nilratan Sarkar, Government intend to take up the question of child welfare, with special reference to infant mortality, and to consider what measures can be taken to reduce the present high death rate among infants."

*Questions and Answers.***By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—****9.**

(a) Are the Government aware of the particulars of a comprehensive scheme of agricultural education recently adopted by the Punjab Government?

Scheme of agricultural education in Bengal.

(b) Is any similar scheme under the consideration of the Government of Bengal?

Answer by the Hon'ble Mr. McAlpin:—

"(a) The answer is in the affirmative.

(b) The Hon'ble Member is referred to the answer given to question 2 (c) asked by him."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—**10.**

(a) Has the attention of Government been drawn to certain resolutions recently adopted by the District Board of Dacca regarding the question of communications in that district and the desirability of opening railways through certain localities?

Dacca District Board resolutions regarding communications in that district.

(b) If so, what action, if any, do Government propose taking in the matter?

Answer by the Hon'ble Mr. O'Malley:—

"(a) The attention of Government has been drawn to the resolutions in question.

(b) No proposals from the District Board have yet been received by Government."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—**11.**

(a) Is there any truth in the statement that the High Court has suggested the desirability of making certain rules by which all petitions, plaints, written statements, etc., in the *mufassal* courts, will be required to be made only in the English language?

Alleged suggestion by the High Court as to petitions, plaints, etc., in *mufassal* courts being only in English.

(b) If so, are the Government aware—

(i) that there is a strong feeling of opposition to this suggested innovation; and

(ii) that it is likely to cause great hardship to the legal profession and the litigant public.

Answer by the Hon'ble Mr. Duval:—

"(a) The High Court has issued a general letter to District and Sessions Judges asking their opinion as to the possibility of declaring English the court language in civil and criminal cases for certain classes of cases.

(b) (i) and (ii) Government have so far no information in the matter."

*Questions and Answers.***By the Hon'ble Babu Brejendra Kishor Ray Chaudhuri:—****12.**

Training of
Indian boys
in railway
workshops.

With reference to the recent resolution of the Government of Bengal regarding the training of Indian boys in railway workshops, will the Government be pleased to state the purport of the opinions of the Agents of the East Indian, Bengal-Nagpur and Eastern Bengal Railways, respectively, on the proposals contained in the said resolution?

Answer by the Hon'ble Mr. O'Malley:—

"Copies of the Agents' letters on the subject are laid on the library table."

By the Hon'ble Maulvi A. K. Fazl-ul-Haq:—**13.**

Information
re appointment
of a Secretary
to the Madaripur
Central Bank.

With reference to the reply to my unstarred question No. 25 asked on the 5th March 1919, will the Government be pleased to furnish the information asked for by giving a reply either in the affirmative or in the negative?

Answer by the Hon'ble Mr. McAlpin:—

"Government have nothing to add to the answer already given, and do not propose to make any other inquiries in the matter."

By the Hon'ble Babu Siv Narayan Mukharji:—**14.**

Measures taken
by district
boards for
providing pure
water-supply.

(a) Will the Government be pleased to state, sub-division by sub-division, of the several districts of the Presidency, how many tanks were excavated by each of the district boards and what action has been taken by them in regard to the measures for providing pure water-supply in the interior of the rural area as directed in the Government resolution No. 1518 L.S.-G., dated the 11th November, 1912?

(b) Will the Government be pleased to state how many union committees have at present been formed in the districts of West Bengal and what amount has been annually placed at their disposal out of the funds of the district boards to increase the number of tanks in rural areas?

Answer by the Hon'ble Mr. O'Malley:—

"(a) A statement is laid on the table. In accordance with the orders conveyed in the resolution referred to, a survey of the existing sources of water-supply has been made and registers prepared by District Boards.

"(b) A statement is laid on the table."

Questions and Answers.

Statement referred to in the answer by the HON'BLE MR. O'MALLEY to question No. 14 (Unstarred) asked by the HON'BLE BABU SIV NARAIN MUKHARJI at the Council meeting of the 27th March, 1919, showing the number of tanks excavated or re-excavated by district boards during the five years 1913-14 to 1917-18.

District Boards.	Locality where excavated or re-excavated	Number of tanks excavated or re-excavated.	Remarks.
Burdwan	Sadar ... Asansol ... Katwa ... Kalna ...	18	The board also sunk 183 masonry wells.
Birbhum	Sadar ... Rampur Hat ...	8	
Bankura	Sadar ... Vishnupur ...	4 ...	These tanks were excavated at the expense of Government during the last famine relief operations; 69 wells were also constructed in the district.
Midnapore	Sadar ... Tamluk ... Contai ... Ghatal ...	16 14 21 15	117 wells were also constructed.
Hooghly	Sadar ... Serampore ... Arambagh ...	9 3 11	
Howrah	Sadar ... Uluberia ...	6 16	Besides these tanks the board sunk 9 tube wells during the quinquennium.
24-Parganas	Sadar ... Diamond Harbour. Baraset ... Basirhat ... Barrackpore	5 4 7 8 9	
Nadia	Sadar ... Chuadanga ... Kushtia ... Meherpur ... Ranaghat ...	... ... ... ... ...	No tanks were excavated by the district board, but contributions were made for the re-excavation of 5 private tanks; 133 masonry wells were constructed during the quinquennium.
Murshidabad	Sadar ... Kandi ... Jangipur ... Lalbagh ...	7 10 3 2	Besides the tanks, 104 wells were constructed.
Jessore	Sadar ... Bangaon ... Narail ... Magura ... Jhenidah ...	15 3 11 11 5	
Khulna	Sadar ... Bagerhat ... Satkhira ...	24 43 23	

Questions and Answers.

District Boards.	Locality where excavated or re-excavated	Number of tanks excavated or re-excavated.	Remarks.
Dacca	Sadar ...	11	Besides these tanks 492 wells were constructed by the district board.
	Narayanganj	20	
	Munshiganj	2	
Mymensingh	Manikganj ...	2	Besides these tanks 237 masonry wells, 32 tiled wells and 62 ring wells were constructed.
	Sadar ...	2	
	Tangail ...	2	
	Kishoreganj	7	
	Jamalpur ...	2	
Faridpur	Netrakona ...	5	
	Sadar ...	10	
	Madaripur ...	7	
	Gopalganj ...	3	
Bakarganj	Goalundo ...	24	
	Sadar ...	14	
	Perojpur ...	20	
	Patuakhali ...	17	
Chittagong	Bhola ...	10	Of the 61 tanks 5 tanks were excavated in the khas mahal area to which the board contributed. The district board also contributed towards the excavation of 36 tanks in the colonization area in the Sundarbans of the Bakarganj district.
	Sadar ...	218	
	Cox's Bazar	10	
Tippera	Comilla ...	42	
	Brahmanbaria.	55	
	Chandpur ...	37	
Noakhali	Sadar ...	192	
	Feni ...	23	
Rajshahi	Sadar ...	38	Besides these tanks 37 wells were sunk.
	Nator ...	22	
	Naogaon ...	20	
Dinajpur	Sadar ...	4	In addition to these tanks 159 masonry wells were sunk.
	Balurghat ...	2	
	Thakurgaon	...	
Jalpaiguri	Sadar ...	1	201 wells were also constructed, some of which are masonry wells.
	Alipur ...	...
Rangpur	Sadar ...	1	Besides these tanks 243 masonry and drain-pipe wells were constructed.
	Gaibandha ...	5	
Pabna	Pabna ...	4	114 masonry wells were also constructed.
	Serajganj ...	2	
Bogra	Sadar ...	6	85 masonry wells were also constructed.
Malda	Sadar	21	

Questions and Answers.

Statement referred to in the answer by the HON'BLE MR. O'MALLEY to question No. 14 (Unstarred) asked by the HON'BLE BABU SIV NARAYAN MUKHARJI at the Council meeting of the 27th March, 1919, showing the number of union committees in the districts of West Bengal and the allotments made to them for increasing the number of tanks in rural areas.

District.	Number of Union Committees.	REMARKS.
Burdwan ...	7	Each committee gets Rs. 500 from the district board for sanitation including water-supply.
Birbham ...	24	No allotment has been made to the union committees for increasing the number of tanks in rural areas.
Bankura ...	4	
Midnapore ...	5	No allotments were made during the years 1916-17 and 1917-18 to the union committees as the execution of original works of water-supply was transferred to the District Engineer.
Hoochly ...	15	Of the sum placed at the disposal of each of the union committees Rs. 500 is required to be spent on the improvement of water-supply.
Howrah ...	5	No allotment has been specifically made for the excavation of tanks.
24-Parganas ...	16	The union committees are not provided with funds for the excavation of tanks as the execution of original works of water-supply is under the direct supervision of the District Engineer.
Nadia ...	8	No separate grant is made to the union committees for the excavation of tanks.
Murshidabad ...	25	
Jessore ...	15	
Khulna ...	11+4 34	

By the Hon'ble Babu Siv Narayan Mukharji:—

15.

(a) Are the Government aware that the district boards of the 24-Parganas, Jessore and Murshidabad, with non-official chairmen, have embarked on an elaborate programme of drinking-water tanks in rural areas within their respective jurisdiction? If so, will the Government be pleased to state what is the guiding policy involved in these measures?

Excavation of drinking-water tanks by certain district boards.

(b) Are the people of the areas where these tanks are excavated required to supplement the expenditure incurred by the district boards? If so, in what proportion?

Questions and Answers.

Answer by the Hon'ble Mr. O'Malley:—

"(a) and (b) Copies of reports on the subject from the chairmen of the district boards of the 24-Parganas, Jessore and Murshidabad, are laid on the library table."

By the Hon'ble Babu Siv Narayan Mukharji:—

16.

Non-excavation
of drinking-water
tanks by certain
district boards.

Are the Government aware that the district boards of Burdwan, Hooghly and Howrah have not so far taken any steps in the matter of drinking-water tanks in the rural areas, and especially in the portions within the spill area of the Damodar basin? If so, are the Government considering the desirability of directing those district boards to devote a substantial portion out of the Public Works cess for the improvement of water-supply, especially in the area affected by the Damodar spill?

Answer by the Hon'ble Mr. O'Malley:—

"From the statement laid on the table it will be seen that the assumption of the Hon'ble Member is not correct."

Statement referred to in the answer by the HON'BLE MR. O'MALLEY to question No. 16 (Unstarred) asked by the HON'BLE BABU SIV NARAYAN MUKHARJI at the Council meeting of the 27th March, 1919 showing the number of tanks excavated or re-excavated by the District Boards of Burdwan, Hooghly and Howrah during the quinquennium ending 1918-19.

District Board.	Number of tanks excavated or re-excavated.	Number of tanks within the spill area of the Damodar basin.	REMARKS.
1	2	3	4
Burdwan ...	22	1	Four tanks are under construction, one of which is within the spill area of the Damodar basin.
Hooghly ...	23	11	The figure in column 3 is for the Arambagh subdivision in which the spill area of the Damodar basin lies.
Howrah ...	22	6	

By the Hon'ble Khan Sahib Aman Ali:—

17.

Promotion of
clerks in the
grades up to
Rs. 50.

(a) Are the Government aware that under paragraphs 62 and 170 of the Report of the ministerial officers' committee of Eastern Bengal and Assam, 1908-09, which were adopted by the late Eastern Bengal and Assam Government in its Circular No. 1738-86 F., dated 27th March, 1911 [Appendix B, paragraph 2 (5)], promotions of clerks in the grades up to Rs. 50 should ordinarily go by seniority and no one should be superseded except on account of his own demerits?

(b) Is the circular in question in force in the whole of the present Presidency of Bengal?

*Questions and Answers.***Answer by the Hon'ble Mr. Duval:—**

“ (a) Yes.

(b) No; the circular is in force only in the Dacca, Rajshahi and Chittagong divisions.”

By the Hon'ble Khan Sahib Aman Ali:—

18.

(1) Are the Government aware—

(a) that the present District Judge of Chittagong has promoted some junior clerks of his office to the grades of Rs. 40 and Rs. 50 by superseding a number of senior officers having good records of service; and

Promotion of some junior clerks of the office of the District Judge of Chittagong in supersession of their seniors.

(b) that in one case he promoted a very junior officer of about two years' standing in the grade of Rs. 30 direct to the grade of Rs. 50 in supersession of the claims of senior clerks in the grades of Rs. 30 and Rs. 40?

(2) Will the Government be pleased to state—

(i) whether similar instances of promotions have occurred in any other judicial offices in Eastern Bengal; and

(ii) if so, whether Government are considering the desirability of taking steps, as suggested in paragraph 171 of the Report of the ministerial officers' committee of Eastern Bengal and Assam, 1908-09, to amend section 30 of the Bengal, Agra and Assam Civil Courts Act, 1887, so as to subject the District Judges' power of appointment to the control of the Local Government?

Answer by the Hon'ble Mr. Duval:—

“ (1) (a) and (b) No.

(2), (i) Government have no information in the matter.

(2) (ii) The question does not arise ”

By the Hon'ble Kumar Shib Shekhareswar Ray:—

19.

(a) Will the Government be pleased to state whether any memorial has been submitted to Government by the zamindars of the Rajshahi district on the subject of the postponement of the recovery of settlement costs?

Memorial of Rajshahi zamindars re postponement of recovery of settlement costs?

(b) If so, will the Government be pleased to lay on the table a copy of the memorial, together with a list of the signatories thereto?

(c) Will the Government be also pleased to state what action, if any, they propose to take in the matter?

Answer by the Hon'ble Mr. McAlpin:—

“ (a) Yes.

(b) A copy is laid on the table with a list of the signatories thereto.

Questions and Answers.

(c) The prayer of the memorialists is, that in consequence of the damage done by the severe floods in Rajshahi, last year, the realisation of settlement costs from proprietors and tenure-holders should be postponed. A report has been received by Government on the memorial. Out of the 24 memorialists only eight have any settlement costs still to pay for property in Rajshahi. Of these eight, four own no property in badly affected areas. By the other four payments have already been made aggregating 83, 87, 83 and 94 per cent., respectively, of the amounts due by them; the highest percentage has been paid by the proprietors of the estate most affected. Moreover, most of the tenure-holders as well as *rai-yats* have paid their costs in the thanas affected by the floods.

Regarding the allegation in the memorial that the situation of the memorialists has been aggravated by the strict realisation of the settlement costs from their tenants, it may be mentioned that last September, just after the floods, orders were issued by Government to suspend recovery in certain of the flooded areas, but on the representation of certain tenants who preferred to pay at that season rather than later, it was continued on the understanding that no pressure or coercive measures for enforcing payment should be used in the case of persons whose crops or houses had been destroyed by the floods.

In all these circumstances Government are of opinion that no general action is required on this memorial. The Settlement Officer has discretion on the receipt of representations regarding individual cases of hardship, either to allow instalments of payment or to defer the issue of coercive process under the Certificate Act."

Memorial referred to in the answer by the Hon'ble Mr. McALPIN to question No. 19 (Unstarred) asked by the Hon'ble KUMAR SHIB SHEKHARESWAR RAY at the Council meeting of the 27th March, 1919.

To

His Excellency The Right Hon'ble Lawrence John Lumley Dundas, Earl of Ronaldshay, G.C.I.E., Governor of the Presidency of Bengal.

The humble memorial of the undersigned
Landholders of the district of Rajshahi

MOST RESPECTFULLY SHEWETH,

THAT the estates belonging to your humble memorialists have been affected very severely by the recent unprecedented floods in the Rajshahi district,

THAT, in consequence, your Excellency's humble memorialists are unable to realize rents and other dues from their tenantry, and considering the distressed condition of the tenants, Your Excellency's memorialists find it extremely hard to press for their demands or execute existing decrees till the next harvest,

THAT the situation has been further aggravated by the strict realization of the settlement recovery costs from the tenants,

THAT for the reasons stated above, the collection of rents and dues of the undersigned memorialists has fallen off so considerably that they find it very difficult to meet the current demands of Government revenue and their own domestic and establishment charges.

THAT the present distress of Your Excellency's memorialists has been greatly enhanced by their being called upon to pay large settlement recovery costs, which it is practically impossible for them to pay without incurring debts at a very high rate of interest,

THAT, in conclusion, Your Excellency's memorialists beg to pray that Your Excellency be pleased to direct that any further realization of settlement

Questions and Answers.

recovery costs from the owners of estates and permanent tenures, be postponed till the harvesting of the next jute crops in August 1919, or take such other steps which Your Excellency may deem fit and proper,

For which act of kindness and generosity Your Excellency's humble memorialists, as in duty bound, shall ever pray.

JAGADINDRA NATH ROY of Nator.
 PROMADA NATH ROY of Dighapatia.
 SHIB SHEKHARESWAR RAY of Tahirpur.
 BIMALENDU ROY of Balihar.
 M. ASHRAFALI of Nator.
 GHANODA NATH ROY CHAUDHURI of Dubalhati.
 KRINKARI NATH ROY CHAUDHURI of Dubalhati.
 ALTAF ALI of Bogra.
 NARESH NARAYAN ROY.
 BHABA PRASADJISHAN CHAUDHURI of Puttia.
 RADHIKA PRASAD ROY of Amhaty.
 JNANADA PRASAD SUKUL of Nator.
 DURGA GOBINDA CHAUDHURI of Bhabni.
 MD. ERSHAD ALI KHAN CHAUDHURI of Nator.
 MD. ROMSHAN KHAN CHAUDHURI of Nator.
 KULADA MOHAN MAITRA of Kalan.
 CHANDRA NATH PRAMANIK of Nator.
 JOGENDRA NATH ROY CHAUDHURI of Dharail.
 CHUNDER NATH MAZUMDAR of Gobindopore.
 MOHESH CHANDRA MANI of Gobindopore.
 NALINI KANTA CHAUDHURI, B.L., of Nator.
 BHABANI PRASAD ROY, Executor to the estate of
 late Raja Jogendra Nath Roy Bahadur, Nator
 Raj Junior Branch.
 KSHIRODE CHANDRA ROY of Mainam.
 SARADA PRASAD ROY of Amhaty.

CALCUTTA ;

The 6th January, 1919.

By the Hon'ble Sir Nilratan Sarkar:—

20.

(a) Will the Government be pleased to state whether they have taken any action with regard to any scheme in connection with child welfare?

Scheme
regarding child
welfare.

(b) Are the Government considering the desirability of making any arrangement for the dissemination of knowledge regarding child welfare?

Answer by the Hon'ble Mr. O'Malley:—

"(a) and (b). The Hon'ble Member is probably aware of the work of the maternity and baby welfare section of the Health Department of the Calcutta Corporation. Work of this nature is not, so far as Government are aware, carried out in other municipalities. In November 1917 the Sanitary Commissioner circularized the Chairmen of all municipalities and District Boards and suggested that local authorities should take steps to arouse public interest in the conditions producing high infantile mortality and should organize baby shows for this purpose. A baby show was held in Howrah in August 1918 and in a circular of 20th January, 1919, of which a copy is laid on the table, the Sanitary Commissioner urged Chairmen of District Boards and municipalities to organize similar shows.

No general scheme of child welfare has been elaborated, but Government propose to take up the question with special reference to infant mortality."

Questions and Answers.

Circular referred to in the answer by the HON'BLE MR. O'MALLEY to question No. 20 (Unstarred) asked by the HON'BLE SIR NILRATAN SARKAR at the Council meeting of the 27th March, 1919.

OFFICE OF THE SANITARY COMMISSIONER FOR BENGAL.

Dated Calcutta, the 20th January 1919:

From—DR. C. A. BENTLEY, M.B., D.P.H., D.T.M. & H., Sanitary Commissioner for Bengal,

To—The Chairman of District Board and Municipality.

In continuation of this office circular letter No. 14736-14876, dated the 19th November, 1917, I have the honour to enclose a copy of the proceedings of the sub-committee appointed to organize a "Baby Show" in Howrah, dated the 1st November last. It is requested that you will be so good as to organize a similar show in your jurisdiction.

Proceedings of the Sub-Committee appointed to organize a Baby Show in Howrah, dated the 1st November, 1918.

PRESENT :

- (1) BABU NITYA DHON MUKHARJI, *President.*
- (2) MILLAR M. KING, Esq.
- (3) BABU CHARU CHANDRA SINHA, M.A., B.L.

Resolved—That the report of Mrs. King, the President of the committee of ladies, be adopted and sent to the Chairman, Howrah Municipality, for placing before the Commissioners at a meeting.

NITYA DHON MUKHARJI,

President.

The 1st November, 1918.

Report about the Baby Show held on the 25th August, 1918.

A COMMITTEE of ladies, with myself as its President, was formed at the request of the committee appointed by the Municipal Commissioners to organize a Baby Show. There were in all six meetings of that committee. Three meetings were held in my house, and the other three in the room of the Vice-Chairman of the Municipality who also attended the meetings and rendered very valuable assistance in organizing the show.

The show was held at 4 P.M. on the 25th of August last in the hall of the Ripon Collegiate School which was selected by the committee after a local inspection of the building. It was advertised by publication of notices in the local newspapers, by the distribution of hand-bills printed in Bengali, Hindi, Urdu and English, and also by beat of drums. Special letters with a copy of English notices were also sent to the residents of the town, intimating that strict *pardah* will be observed and requesting their attendance. It was also advertised that on the receipt of previous intimation conveyance will be arranged for bringing respectable Indian ladies and children from their houses and taking them back.

Questions and Answers.

The services of three cars were placed at the disposal of the committee for the above purpose and several carriages were also hired.

All classes of people were invited and strict *purdah* was observed. Children of less than five years were allowed to compete. For the purpose of location and distribution of prizes two separate divisions were made for two classes of people, viz., one for the ladies and children of respectable families and the other for lower classes:

The expenses in connection with the show, were met by donations paid by several gentlemen, and certain firms, the major portion of which was paid by Mr. M. King and his firm.

The following prizes were given :—

- I. Ten special prizes which consisted of toys were awarded to children belonging to the better class of society.
- II. The prizes for children belonging to the poorer or lower class of society were divided into two classes :—
 - (1) The First Class prizes which were three in number consisted of Rs. 10 in cash and a *sari* which were given to the mothers of the babies winning the prizes.
 - (2) The Second Class prizes which were seven in number consisted of Rs. 5 in cash and a *sari* which were given to the mothers of the babies winning the prizes.

Besides the prizes mentioned above, there were about 100 consolation prizes for each class of children attending the show.

The attendance was beyond our expectation. It was more than 700 in number, about 300 of whom came from the better class of people and 400 from the lower class.

Besides children several *purdah* ladies attended the show and special care was taken for their comfort. *Pans* were distributed, there was arrangement for drinking water and sweetmeats was distributed amongst all class of children.

There was a special prize consisting of a nice *shawl* given to the healthiest and cleanest baby among the lower class of people attending the show.

Out of the lady members, the President, Mrs. Waters, Mrs. Millar, and Mrs. Steen were selected as judges to decide to whom the prizes should be given.

Miss Chaudhuri and Miss Anthony then delivered lectures on simple diseases amongst the children and impressed on them the importance of taking early measures to arrest the progress of those diseases.

The children were then examined by the Committee of Judges and prizes, as stated above, were distributed to the deserving babies and children.

At the request of the committee the Civil Surgeon very kindly allowed some nurses from the hospital to be present at the show, and to arrange and help the distribution of prizes.

The school building was nicely decorated on the day of the show.

L. KING,

President.

The 25th August, 1918.

*Questions and Answers.***By the Hon'ble Rai Mahendra Chandra Mitra Bahadur:—****21.**

Supervision and
staff of the
Bengal
Secretariat
record room.

(a) Will the Government be pleased to state who is the lowest gazetted officer responsible for the supervision of the Bengal Secretariat record room?

(b) Does the clerical staff employed in the said record room and that employed in its administrative department belong to the same establishment or to different establishments?

Answer by the Hon'ble Mr. Kerr:—

"(a) The Under-Secretary in the Political Department is the lowest gazetted officer responsible for the supervision of the Bengal Secretariat record room.

(b) The clerical staff employed in the record room and that employed in the administrative department (Political) belong to separate establishments."

By the Hon'ble Rai Mahendra Chandra Mitra Bahadur:—**22.**

Supervision
and staff of
the Bengal
Secretariat
Book Depôt.

(a) Will the Government be pleased to state who is the lowest gazetted officer responsible for the supervision of the Bengal Secretariat Book Depôt?

(b) Does the clerical staff employed in the said Book Depôt and that employed in its administrative department belong to the same establishment or to different establishments?

Answer by the Hon'ble Mr. Kerr:—

"(a) The Bengal Secretariat Book Depôt is subordinate to the Legislative Department of the Secretariat. It is under the administrative control of the Assistant Secretary of that Department and is under the supervision of the Registrar of that Department in matters of discipline and routine.

(b) The ministerial establishment of the Book Depôt is distinct from that of the Legislative Department."

By the Hon'ble Rai Mahendra Chandra Mitra Bahadur:—**23.**

Grant of
extensions of
service in the
Education
Department

(a) Will the Government be pleased to state whether extensions of service are being granted to the ministerial officers in the Education Department?

(b) Is it a fact that there has been a serious block in promotion in the office of the Director of Public Instruction, Bengal?

(c) Is it also a fact that extensions of service are being refused as a rule to the officers of the Education Department, namely, teachers, lecturers, etc.?

Answer by the Hon'ble Mr. O'Malley:—

"(a) Yes. Extensions of service are given to ministerial officers in accordance with clause (a) of article 459, Civil Service Regulations, of which a copy is laid on the table.

(b) The answer is in the negative.

(c) Yes. Extensions of service in these cases are refused in accordance with article 459, Civil Service Regulations."

Questions and Answers:

Article 459 of the Civil Service Regulations, referred to in the answer by the HON'BLE MR. O'MALLEY to question No. 23 (Unstarred) asked by the HON'BLE RAI MAHENDRA CHANDRA MITRA BAHADUR at the Council meeting of the 27th March, 1919.

459. (a) Ministerial officers who have attained the age of 55 may be required to retire, but should ordinarily be retained in service so long as they remain efficient until they come under the provisions of clause (e).

(b) Officers, other than ministerial, who have attained the age of 55 should ordinarily be required to retire, and should not be retained in service except where unquestionable public grounds for retention exist, and there is no doubt as to the physical fitness of the officer.

(c) Each officer's case should be taken up when he is approaching the age of 55 and before the expiry of each extension of service. Extensions may not be granted for any period exceeding one year at one time.

(d) The powers given by the preceding clauses may be exercised by the authority competent to fill the appointment (if vacant) of the officer who is required to retire or retained in service.

(e) An officer who has attained the age of 60 cannot be retained in the service of Government save in very exceptional circumstances, and with the sanction of the local Government.

(f) No claim to compensation from an officer who is required to retire under the provisions of this Article will be entertained.

By the Hon'ble Babu Akhil Chandra Datta:—

24.

(a) Is it a fact that a special allowance of Rs. 50 *per mensem* is given to armed inspectors? Grant of a special allowance to armed inspectors

(b) Is this allowance given alike to European and Indian armed reserve inspectors?

(c) Is this allowance given in consideration of any meritorious work or on account of the nationality of the recipient?

(d) If on account of the latter, will the Government be pleased to state—

(i) the reason for this distinction between European and Indian inspectors, and

(ii) whether it is the intention of Government to remove this distinction?

Answer by the Hon'ble Mr. Kerr:—

"(a) and (b) A compensatory local allowance of Rs. 50 a month has been sanctioned for 31 posts, which are ordinarily, but not necessarily, held by European inspectors, usually men who have served as non-commissioned officers in the British Army. Of these 31 posts, 17 belong to the headquarters force, 8 to the town police, 4 to the railway platform police, while 2 are held by officers employed as drill instructors.

(c) and (d) The allowances were granted because suitable men of the type required for these posts cannot be obtained on the ordinary scale of inspectors' pay. The Police Commission of 1903 in paragraph 80 of their report recognised the necessity of employing a certain number of European inspectors in such posts, and proposed that instead of being borne on a separate list and receiving a higher scale of pay than ordinary inspectors, they should be given a local allowance, where necessary, to cover the higher cost of living. Government do not propose to alter the existing arrangements."

*Questions and Answers.***By the Hon'ble Babu Bhabendra Chandra Ray:—****25.**System of
open-air schools.

(a) Has the attention of Government been drawn to the system of open-air schools which is being tried in certain parts of Bihar and Orissa?

(b) Are the Government aware that the Government of Bihar and Orissa have pointed out to the local bodies the necessity of adopting a simple standard for the building and equipment of primary schools in that province, and that the standard so advocated is less costly than that set up in Bengal?

(c) Are the Government considering the desirability of making a reference to the Bihar and Orissa Government on these subjects?

Answer by the Hon'ble Mr. O'Malley:—

(a) A copy of a resolution moved by the Hon'ble Babu Gopabandhu Das at the meeting of the Bihar and Orissa Legislative Council held on 22nd January 1919 and of the reply given by the Hon'ble Mr. Le Mesurier is laid on the table. It has been ascertained that the Director of Public Instruction, Bihar and Orissa, circulated in 1915 a type plan of an "open air" primary school to the chairmen of district boards and district committees of public instruction with the request that they would consider its suitability for their districts. It is understood that the plan has been accepted in several districts in Bihar and Orissa.

(b) As stated by the Hon'ble Mr. Le Mesurier in the speech referred to in part (a) of this reply the attention of district boards and other bodies in Bihar and Orissa has been drawn from time to time to the necessity of keeping down expenditure on school buildings within the limits of what is strictly necessary. The Government of Bihar and Orissa sanctioned in 1917 a proposal to create village school committees in selected localities and to utilise their agency in providing cheap houses for primary schools at an average cost of Rs. 100 to Rs. 150, the district boards paying to the committees for each house an initial building grant of Rs. 50 and a recurring grant of Rs. 10 for annual repairs.

(c) The progress of the experiment will be watched by this Government."

Resolution (together with its reply) referred to in the answer by the Hon'ble Mr. O'MALLEY to question No. 25 (Unstarred) asked by the Hon'ble BABU BHABENDRA CHANDRA RAY at the Council meeting of the 27th March, 1919.

EDUCATION DEPARTMENT.**EDUCATION.**

Council Resolution regarding encouragement of open-air schools in Bihar and Orissa.

Resolution moved by the Hon'ble BABU GOPABANDHU DAS at the meeting of the Bihar and Orissa Legislative Council held on the 22nd January, 1919.

This Council recommends to the Lieutenant-Governor in Council that in the primary and secondary schools of this Province open-air conditions of living and teaching be, as far as practicable, encouraged, and that costly buildings of a type plan as a condition for the recognition of the school be dispensed with where the institution can be run on open-air lines with advantage.

*Questions and Answers.**Reply given by the Hon'ble Mr. Le Mesurier.**"Your Honour."*

"The Hon'ble Member has the full sympathy of Government in his wish to extend, to suitable localities, the system which he has himself adopted and works so successfully at the Satyabadi school. As he acknowledges, his wishes have been anticipated; for, more than three years ago, the Director of Public Instruction addressed all Chairmen of District Boards and Committees of Public Instruction with reference to a tentative scheme of an open-air primary school, and Government attach due importance to the approval which Satyabadi system secured from Dr. Lankester during his inquiry into the prevalence of tuberculosis in certain parts of India and they desired to see the scheme tried wherever conditions were favourable. I cannot, however, admit what appears to be the Hon'ble Member's opinion that all type plan buildings are necessarily expensive or are invariably imposed on the promoters of private schools. On the contrary the Primary Education Committee gave much time and attention to reduce the necessity of school buildings to the very simplest and most inexpensive fundamentals and from time to time the attention of District Boards and other bodies has been drawn to the necessity of keeping down expenditure within the limits of what is strictly necessary.

2. The Hon'ble Member knows by his own experience that at certain seasons and under certain conditions it is impossible to conduct the classes out of doors, and there must therefore be some provision for adequate shelter from wet and stormy weather. It is also necessary that the grounds in which the school should be held shall be so arranged even when the weather is suitable that the different classes shall not interfere with one another, i.e., must not be so close to one another that the noise of one interferes with the other. In fact it would be better that each class should be out of sight of the other.

3. Government fully recognize the great hygienic advantage of an open-air school, and the Director and myself will make it a point during the visits which, as already announced in Council, we are paying to divisional headquarters with a view to discussing schemes of educational progress with the Chairmen of District Boards, to bring to their notice the advantages of the open-air system wherever local conditions make it practicable to try it."

By the Hon'ble Babu Bhabendra Chandra Ray:—**28.**

(a) Will the Government be pleased to make a statement showing the number of persons who are at present interned at their homes under the Defence of India (Criminal Law Amendment) Act, 1915?

Particulars as to persons interned at their homes.

(b) (i) How many of them are in receipt of maintenance allowances, and (ii) at what rates in each case?

(c) In the case of those who are in receipt of such allowances at present, (i) has the rate thereof varied at any time; and (ii) if so, in what manner and for what reasons in each such case?

(d) In the case of those who are not in receipt of such allowances at present,

(i) were they at any time, during their period of detention, in receipt of any such allowances?

If so,

(ii) for what periods,

(iii) at what rates,

(iv) since when have the allowances been discontinued, and

(v) for what reasons in each particular case?

Questions and Answers.

(e) (i) How many of such persons whose allowances have been discontinued since or after "home-internment" have any independent means of livelihood and are not dependent on others for their patronage?

(ii) how many are capable of earning their living and are actually earning it?

(iii) how do the rest maintain themselves?

(f) In regard to those persons who are competent to earn their living,

(i) what were their respective occupations,

(ii) their approximate emoluments before they were interned, and

(iii) what are their present occupations?

(g) Are restrictions of any kind imposed on persons interned at home which interfere with their earnings or living?

(h) What pursuits are being followed by those who were students before they were interned, and are now interned at home?

(i) What is the total number of students of this class, and how many of them have been granted permission to resume their studies, and under what conditions?

(j) Are the Government considering how the rest should keep themselves engaged, or how they are likely to maintain themselves in future?

Answer by the Hon'ble Mr. Kerr:—

"(a) 143.

(b) (i) 75.

(b) (ii) At rates varying from Rs. 5 to Rs. 90.

(c) (i) Yes.

(c) (ii) Allowances to persons detained in home domicile are only granted when the District Magistrate recommends this as necessary. In making their recommendations District Magistrates enquire into the facts of each case. The consideration of the circumstances, occupation, etc., is necessarily left to them as they are in the best position to judge.

Government are not prepared to collect from districts extensive statistics relating to a transitory period which would be out of date in many cases by the time the information was obtained and the value of which would not be commensurate with the labour involved: 36 of those at present in home domicile are already under orders of release as soon as suitable sureties for their future conduct are forthcoming.

(d) (i) Yes, in most cases.

(d) (ii), (iii), (iv) and (v) The Hon'ble Member is referred to the reply to (c) (ii).

(e) (i), (ii) and (iii) The Hon'ble Member is referred to the reply to (c) (ii).

(f) (i), (ii) and (iii) The Hon'ble Member is referred to the reply to (c) (ii).

(g) This depends on the circumstances of each case.

(h) The Hon'ble Member is referred to the reply to (c) (ii).

(i) Out of the 68 persons who are in home domicile and who receive no allowance 50 belonged to the student class before arrest. No *détenu* has been granted permission, while the orders against him are in force, to join an educational institution. There is no objection to a *détenu* continuing his studies privately.

(j) Detention in home domicile is probationary in character, and as soon as Government is satisfied that a *détenu* means to reform and adopt an honest means of livelihood steps are taken towards his release."

Questions and Answers; Budget.

By the Hon'ble Babu Bhabendra Chandra Ray:—

27.

(a) Is it a fact that one Satyendra Mohan Sen, B.A., a medical practitioner, who has been under orders of internment for some time, has recently been given a home domicile?

The case of one Satyendra Mohan Sen, an internee under Act IV of 1915.

(b) What was the amount of the allowance granted to him during the period of his internment away from home?

(c) Is it a fact that his allowance has been discontinued since he has been domiciled at home? If so, why?

(d) Is it also a fact that he made an application for the continuance of his allowance, or in the alternative, for permission to practise as a physician at his native town, or, failing both, to be sent back to his former place of internment where he was in receipt of an allowance?

(e) Is it the case that none of these requests have been granted?

(f) Will the Government be pleased to lay on the table a copy of the aforesaid application, if any, together with a copy of the reply thereto?

Answer by the Hon'ble Mr. Kerr:—

"(a) Satyendra Mohan Sen was transferred to home domicile on the 19th December 1918.

(b) An allowance of Rs. 40 was granted to him at his previous place of internment.

(c) The allowance was discontinued on the man's transfer to home domicile as no recommendation was received from the District Magistrate for the grant of it. It will be seen from the reply to point (e) below that the matter is now before the District Magistrate and final orders will be passed on receipt of his report.

(d) An application for the continuance of his allowance or for release in order to earn his own livelihood was received by Government on the 10th February 1919. He did not ask for permission to practise as a physician while in home domicile.

(e) He was informed that allowances for *détenus* in home domicile were not granted except on the recommendation of the District Magistrate.

The District Magistrate, Dacca, has reported that a petition was presented to him by a pleader on the 19th March, and it is at present under the District Magistrate's consideration.

(f) A copy of the petition addressed to the Additional Secretary and of the reply are placed on the library table."

LIST OF BUSINESS—ITEM No. 2.

BENGAL BUDGET FOR 1919-20.

The Hon'ble Sir Henry Wheeler presented the Budget of the Government of Bengal for 1919-20.

He said:—

"My Lord, I beg to present the Budget of the Government of Bengal for the year 1919-20. A copy of the accompanying memorandum is in the hands of Hon'ble Members, and it explains the present position. As a matter of fact, there has been no change in the figures, as the transfer of

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the small sum of Rs. 40,000 which was approved by the Council at its last meeting will be made by an executive order for reappropriation as soon as the financial year begins. As far as we can ascertain, that change has not been incorporated in the Budget figures as approved by the Government of India, who, possibly, did not think it necessary to alter their figures in this minor respect. However, the net result will be the same whichever procedure is adopted."

LIST OF BUSINESS—ITEM No. 3.**THE BENGAL FOOD ADULTERATION BILL, 1919.**

The Hon'ble Sir Bijay Chand Mahtab, Maharajadhiraja Bahadur of Burdwan, presented the Report of the Select Committee on the Bengal Food Adulteration Bill, 1919.

He said :—

"My Lord, in presenting the Report of the Select Committee on the Food Adulteration Bill I beg to make a few observations.

The Bill has been changed in certain details and the modifications made in the Bill are explained in the Report of the Select Committee and I need only refer to the more important changes. One of the most important is the addition of wheat flour to the articles specifically provided for in clause 6. It was pointed out by some of the public bodies consulted that flour is largely adulterated with soapstone and *chaoline*, and should therefore be added to the list of articles mentioned in that clause; and it was felt by the Select Committee that flour being an article of common consumption, it was necessary to provide against this practice. There are also two new provisions regarding *ghee*. The British-Indian Association, the North Bengal Zamindars' Association, and the Bengal National Chamber of Commerce were unanimous in suggesting that pure *ghee* in Bengal being manufactured only from the milk of cows and buffaloes, it was desirable that it should be clearly laid down that *ghee* should not contain any substance which is not derived exclusively from the milk of these animals. At the same time, an exception has been made in the case of curds, as unfortunately unscrupulous vendors use curds for adulteration, and it has been thought necessary to guard against such a dishonest practice. Weighty objections were also made in the opinions expressed on the Bill to the provisions of clause 5(1) (c) and (d) and clause 6(2), protecting vendors who can produce warranties or show that the food they sell is in the same state in which it was purchased by them. It has been pointed out that manufacturers often live outside the jurisdiction of the Bengal Government; and that apart from this, Calcutta being excluded from the operation of this Bill, there is nothing to prevent an unprincipled manufacturer in Calcutta from supplying vendors in the mufassal with the necessary warranty to ensure the uninterrupted sale of his adulterated article. It is represented that an open door would be left to dishonest vendors for setting up the defence that they sold their articles in the same state in which they purchased them although they themselves might have adulterated them. The British-Indian Association point out that emboldened by the knowledge that the law is powerless to touch them, unscrupulous manufacturers would fraudulently furnish the requisite warranty without any hesitation or fear, in order to push the sale of the articles manufactured by them. The Marwari Association say that if the possession of a warranty guarantees impunity, it may be reasonably apprehended that in view of the large profits that can be easily gained by adulteration, many vendors, both in Calcutta

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and in the interior, will knowingly import adulterated articles from other provinces where, the law being inoperative, it will be easy to get warranties from the manufacturers. Similarly, if the sale of articles in the state in which they were purchased is made no offence, unscrupulous vendors will be able to sell adulterated articles easily under a declaration, and adulteration will go on as ever. As the evil of adulterating articles of food has assumed dangerous proportions, this Association are unhesitatingly of opinion that, in the interests of the general public, the principle laid down in the Statement of Objects and Reasons that 'a person who sells food must take responsibility that the food is not adulterated—should be rigorously enforced in cases of both the manufacturers and the vendors, and the latter should not be allowed to go scot-free merely on the production of a warranty'. For these reasons we have, after due consideration on the Select Committee, thought fit to delete the provisions regarding warranties in clauses 5(I) (c) and (d) and clause 6 (3) of the Bill.

In clauses 5 and 6, a few words have been added to make it clear that the employer is liable for the sale of adulterated food as well as the actual salesman. Rai Mahendra Chandra Mitra Bahadur in recording his opinion on the Bill pointed out that it was desirable to add a provision that a person is liable for the acts of his servants even though they are unauthorized and against his express orders; and we think that the addition made in this clause will meet his point.

To turn to Chapter I of the Bill, it is now provided in clause 1 that the Act shall not be extended unless after previous publication; in view of the representation made by the Calcutta Trades' Association that in case of the operation of the Bill being extended to different articles of food, sufficient notice should be given to importers so as to enable them to dispose of their existing stocks and to give timely notice to home manufacturers and exporters in regard to future supplies. Some changes have also been made in recognition of the position of local authorities. In the Bill as introduced, a local authority outside a municipality or cantonment was to be the district magistrate or subdivisional magistrate. It is now provided that in rural areas the local authority shall be such authority or officer as the local Government may appoint, so that the district boards may come within the scope of the definition, while in a district, such as Darjeeling, where there is no District Board, the Deputy Commissioner would naturally constitute the local authority. Clause 3 has again been changed so as to provide for the appointment of public analysts by local bodies, when empowered to do so by the local Government. This is necessary, because, although Government must at first arrange for analytical work, this duty will have to be delegated sooner or later to local authorities who will have to appoint public analysts and establish laboratories for the purpose. It is now also provided in clause 19 that fines under the Act when imposed in an area under a district board shall be credited to the district fund.

Another change of considerable importance has been made in clause 21 which in the Bill as introduced allowed only of fines being imposed as penalties for offences under the Act. It was represented in various quarters that fines would be no deterrent. The Indian Association, for instance, remarked 'that punishment of fine alone would not be sufficiently deterrent to unscrupulous men who make huge profits by adulteration of food-stuffs.' They, therefore, suggested that the alternative of imprisonment should be provided for the second or at least the third offence. The North Bengal Zamindars' Association again pointed out 'that the year before last the Marwari Panchayat of Calcutta imposed fines of from Rs. 25,000 to Rs. 1,00,000 on some of the big *ghee* dealers of Calcutta without their feeling them'. Mere fines, they said, 'will not be deterrent punishment in the case of the big merchants who may have amassed fabulous wealth by their nefarious

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trade.' It is, therefore, now provided that a sentence of imprisonment not exceeding three months may be imposed for a second or subsequent offence as an alternative or in addition to fines.

There are also some formal changes due chiefly to adopting definitions given in the English Sale of Food and Drugs Acts of 1875 and 1899, while the title of the Bill has been changed to the Bengal Food Adulteration Bill as having the advantage of brevity and clearness.

I am glad, Sir, to be able to present an unanimous report on this rather important Bill."

LIST OF BUSINESS—ITEM No. 4.**THE BENGAL PRIMARY EDUCATION BILL, 1919.**

The Hon'ble Babu Surendra Nath Ray moved that the Bengal Primary Education Bill, 1919, as amended by the Council on the 18th and 19th February, 1919, be taken into consideration.

LIST OF BUSINESS—ITEMS Nos. 5. & 6.

The Hon'ble Babu Ambika Charan Mazumdar moved—

- (1) that after the words "Education Department" in line 6 of sub-clause (1) of clause 2 the words "or the Education Board, if any," be inserted, and
- (2) that after sub-clause (2) of clause 2 the following be inserted, namely :—

"(2a) 'Education Board' means a Board composed of not less than five members, with a non-official majority, appointed by the Government to exercise the powers and discharge the functions prescribed by rules made under this Act."

He said :—

"My Lord, I feel it my duty to thank your Excellency for the opportunity which has been given to us for a further discussion of this important measure. I think I may be permitted to say that whatever others may think I do not believe that I am either an obstructionist or an enemy of progress. I only wish that the country could have made half the speed in making progress that I wish it to make. I yield to no one in my earnest desire to see this Bill successfully passed and put into active operation for the promotion and extension of primary education. The only thing is that I am unable to surrender my judgment hood-winked.

My Lord, I would ask your Excellency's permission to put the first two amendments—rather to argue the first two amendments, that is, items 5 and 6 together. Your Excellency may put these amendments in any way you like. but I think it would be convenient both for me as well as for this Council to follow the trend of my argument if I were to put them together.

My Lord, it is now several years past that a cry has been raised in the country that there should be an Education Board. People are not wanting who

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say that the Education Department is an Archaic Institution. Call it Archaic, call it classical, call it by any name you like, there can be, however, no denying of the fact that the Education Department is one of the heaviest as well as most important departments of the State. My Lord, in a province consisting of 44 colleges, over 2,700 secondary schools including more than 500 high English schools and over 50,000 primary schools—I say in a province like that—the work of the Education Department cannot be a very light task. Add to that the difficulties of the department which must necessarily arise when this measure is put into operation, and the Council will at once see how very onerous the task of the Education Department must be. However capable, however devoted, however Herculean the Director of Public Instruction may be, I do think that it is beyond the power of a single administrator to control and efficiently manage a department like the Education Department. I think it is high time that we should come to the rescue of the Director. It is improper and unfair to expect of him what it is not in human power to do, and I think we ought ungrudgingly to help him by establishing an Education Board. No doubt the Director will be the head of the Board, but it would be some relief and active help to him to have an Advisory Board to help him in the direction of Education, particularly as far as the primary education is concerned. I would, therefore, humbly propose that measures should be taken, and advantage should be taken of this important measure, to inaugurate a much-needed reform for which the people have urged for a long time, namely, to establish an Education Board.

I have, my Lord, not deliberately fixed the maximum number of members: various interests may have to be considered, various communal questions may arise and, therefore, I have studiously avoided fixing the maximum number, leaving it entirely to the discretion of Government as circumstances permit them to do. I have only said that the Board should consist of not less than five members which I believe ought to be the minimum. But, my Lord, as there is no constituency by which we can have the members of the Education Board elected, it must go without saying that the Education Board must at the present moment be appointed by Government, but with this reservation—that as there can be no election the non-officials should have a majority on this Board and their duties and functions, I think, may well be left to the rules which will be prescribed under this Act.

The other amendment, namely, item No. 5, is a consequential provision; if item No. 6 is carried item No. 5 will necessarily follow, and I hope the Council will consider that it is high time that we should provide this machinery, this useful machinery, for the promotion of education, particularly primary education, in this country. Some other provinces have already given their attention to this very matter, and I do not think that Bengal will lag behind. With these observations I beg to commend my amendments to the consideration of the Council."

The Hon'ble Babu Surendra Nath Ray said :—

"My Lord, I shall deal with these two amendments separately. With reference to the first amendment, namely, the insertion of the words 'or the Education Board, if any,' after the words 'Education Department'; if there is anybody in this Council who ought to favour this amendment it is myself. Your Lordship probably knows that on the 4th September, 1917, I moved a resolution in this Council for the appointment of an Education Board for advising Government in respect of secondary and primary education of the

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province. That resolution was unfortunately opposed by most of the Muhammanan members of this Council, but it appears that the Muhammadan members of this Council were labouring under a misapprehension. One of them said: 'I should also tell my Muhammadan friends that the day is probably not very far off when free and compulsory primary education will have to be introduced in this country. If and when that day comes sectarian tendencies and sectarian interests will disappear and the common aspirations and common endeavour of the people will lead the two communities to grow up side by side and build up institutions worthy of a great people.' I quote this from the speech of my hon'ble friend Mr. Aminur Rahaman. He also said: 'In Bengal, I do not know of other provinces—the Muhammadans, on account of their backward condition have been receiving special treatment at the hands of the Government. Rightly or wrongly they insist on that.' It then appears that my Muhammadan friends thought that the special treatment which they had been receiving so long would disappear if there be an Education Board in this province: but now that we are going to have compulsory education, and I may also say free education as regards the poorer classes of the population who cannot afford to pay for education, the time is come when an Education Board ought to be established, and with reference to this amendment I am glad to see that the proposal has come from no less a body than the Calcutta Corporation. The Calcutta Corporation has given the following opinion:—

That the Corporation approve the principle of the 'Bengal Primary Education Bill, 1917'.

That with this object in view, it should be provided that, within one year from the passing of the Act, it shall be incumbent upon the Commissioners of every Municipality to submit to the Board of Education detailed statements, etc.

Then, there is, of course, the constitution of the Education Board suggested by them, but I shall deal with that point later on. So, it appears, that those who have thought over the matter have come to the conclusion that there ought to be an Education Board in the province to deal with the numerous questions which may arise with reference to the primary education of the province. It is however said that when I moved my resolution we never thought that the Reforms Scheme was coming, and the division of subjects into transferred and reserved subjects and the appointment of a minister were not even dreamt of then. Now that we are going to have a division of subjects, and primary education will also be one of the transferred subjects and will be in the hands of the minister, there ought not to be an Education Board. This has been suggested by some of my friends and it is also suggested that there will be Standing Committees to assist all the departments of the State, and these Standing Committees will perform the functions of the Board which has been suggested by my hon'ble friend, Babu Ambika Charan Mazumdar. These are no doubt subjects which should be taken into consideration in considering the question of the appointment of an Education Board. So, I leave this matter entirely to Government to deal with—whether it will be practicable or not now to constitute an Education Board, if not for anything else, at least to assist the Director of Public Instruction in his multifarious duties.

Then, as regards the constitution of the Education Board, there is a great difference of opinion. The Hon'ble Babu Ambika Chandra Mazumdar

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has suggested that the minimum number ought to be 5, while the suggestion of the Calcutta Corporation is this—

That within 3 months after the passing of this Act, a Provincial Board of Education be constituted as follows :—

- | | | | | | |
|--|-----|-----|-----|-----|---|
| (a) One member elected from each of the five Divisions of Bengal | ... | ... | ... | ... | 5 |
| (b) One member appointed by the University of Calcutta | | | | | 1 |
| (c) One member appointed by the Corporation of Calcutta | | | | | 1 |
| (d) Three members appointed by the Local Government | | | | ... | 3 |

This gives a total number of 10. Of course, my hon'ble friend, Babu Ambika Charan Mazumdar, has only suggested that the minimum number should be 5. As there is a good deal of difference of opinion with reference to this question, I would leave the matter entirely in the hands of Government."

The Hon'ble Mr. O'Malley said :—

"My Lord, I submit that the proposal to create a Board of Education goes a good deal beyond the scope of the Bill, the object of which is to enable the municipalities to provide for the promotion and expansion of primary education. It comes to this—that a change of large administrative importance is mooted in the form of an amendment to the Bill, and that, at the eleventh hour. But the constitution and functions of such a body require much more careful thought and consideration than can be given in a somewhat brief discussion of an amendment to a Bill. The idea is not new; but it has never been fully debated so far as I am aware in this Council. The Hon'ble Babu Surendra Nath Ray introduced a motion on the subject, proposing, I think, that a Board of Education should be created with advisory powers only; but that motion was withdrawn, and Government have not even a recommendation to the Council in its favour on the subject. I also take this point that the constitution and functions proposed for a Board of Education under the various amendments of the hon'ble mover are wanting in precision and definiteness. It is not stated, for instance, how long the members of the Board are to hold office—whether for life or a term of years—who shall be the President, whether different interests are to be represented, and so on. I submit, Sir, the constitution of a Board of Education with important functions to discharge should be much more definitely stated.

Apart from its constitution, the powers and duties of the Board are not clearly defined in the amendments. Under the amendment numbered 6 on the Agenda paper the Board is to exercise the powers and discharge the functions prescribed by rules under the Act, but the rules are at present an entirely unknown quantity. In introducing the motion the hon'ble member said that his object was to afford relief to the Education Department which will be overburdened by the onerous duties imposed by the Bill, and then he proceeded to say that what he had in mind was an Advisory Board—not a Board with executive powers, but an Advisory Board. This, however, does not agree with the other amendments, which fill in the frame-work a little. According to the amendment numbered 5 the Board is to have power to make rules and orders. That does not quite agree with the idea of an Advisory Board. On the other hand, if a Board of Education was established, having power of control over primary education, the Education Department would merely carry out its instructions. The rules and orders would be those of the Board and this amendment would, therefore, be superfluous. The same argument applies to the amendment numbered 8 under which the Education Board would have power to recognize schools. Here again, if the Education Board

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was to have power of control, the Education Department would be subject to it. If, on the other hand, it is merely an Advisory Board, I do not see how it could have power to recognize schools. Turning again to amendment numbered 30 on the Agenda paper, which also stands in the name of the hon'ble mover, that amendment contemplates inspecting officers being entertained by the Board of Education, as if it were to be quite separate from the Education Department. There are these objections to the various amendments put forward. If the Board of Education is to be merely advisory, the Board will not have the power of making rules and orders, recognizing schools or appointing inspecting officers. Apart from this, there is the consideration pointed out by the hon'ble member in charge of the Bill that it certainly is a matter for consideration whether a body should be created by a statute at this stage, without any idea so far as we can see of co-ordinating it with the Minister and Standing Committees proposed by the Secretary of State and the Viceroy. It seems as if that the hon'ble mover either wishes to anticipate the Reform Scheme or that he has not perhaps fully considered what would be the relation of the Board to the Minister and the Standing Committees. I would invite his attention to clause 3 of the Bill under which a year or such other period as may be prescribed by Government is to be given for the survey of the educational needs and resources of different municipalities before action is taken under this Bill. It also provides in the alternative for another period to be prescribed, the idea of the Select Committee being that some municipalities might not be able to carry out the scheme within a year. In this connection, I may say that I was somewhat surprised by the fact that in the last debate on this Bill not a single member, if I remember aright, referred to the possibility—it may be even a probability, but of course we cannot forecast future events—that a Minister will be in charge of primary education and that if this is the case, he will be responsible for the administration of the Act. I am afraid, my Lord, that I cannot recommend the Council to accept these amendments."

The Hon'ble Babu Ambika Charan Mazumdar said :—

"My Lord, I cannot clearly understand what the real objection of the Hon'ble Mr. O'Malley is. He seems to think that I have sprung upon him a new idea at this late stage. Well, if the matter had been brought before the Council at its first hearing I should have been now out of court. It is no objection that the matter comes now for the first time in Council: in fact, the idea with which the adjournment of the discussion was applied was simply to make out a Bill as good as possible and then if there is nothing objectionable in the proposal to establish an Education Board, I do not think it suffers from the objection that it was not urged before. In the second place I beg to point out that this is only an enabling provision, that is to say, it does not demand that the Government must at once establish an Education Board, but it makes it possible for Government to establish an Education Board under whatever circumstances they think fit if it is found necessary to do so for the proper operation of this important measure. So I think there is no danger in arming ourselves with the power to create an effective body to control primary education. As regards the minimum number to which the hon'ble member in charge of the Bill has referred, I have gone on the line of the least possible resistance. I have already said that there are numerous interests whose case ought to be taken into consideration in connection with the Board. Therefore, I have fixed the minimum at 5. It may be that Government may have to fix it at 10 or 12, but that does not matter. The thing is, that if Government think that an Education Board would be an improvement, I think the amendment ought to be accepted. But, if Government think that it must go on in the old stereotyped fashion, subject to

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criticisms by the public, for which the skin of the Government seems to be too thick, they may stick to the old institution and allow the people to complain, to censure and to criticize. Well, it is entirely at the option of Government, but I do think it will be a real improvement; if you really mean that progress under this important measure must be effective, well, in that case I believe it will be only wise to take steps to arm ourselves with power to make that measure effective. I have nothing further to add."

The motion was then put and lost.

LIST OF BUSINESS—ITEM No. 7.

The Hon'ble Babu Akhil Chandra Datta moved that at the end of sub-clause (5) of clause 2, the following be inserted, namely:—

"after inviting and considering the views of the municipalities."

He said:—

"My Lord, in support of this motion I do not propose to make any lengthy observation. All that I want to submit, my Lord, is this—that as the municipalities will provide for the elementary education of boys and girls, it is only proper that their views ought to be invited and consulted before any plan is finally settled."

The Hon'ble Babu Surendra Nath Ray said:—

"My Lord, I am sorry that I cannot accept the amendment." This would make the curriculum of primary education dependent on the views of the municipalities which would be hardly desirable. But the Education Department should draw up the curriculum after consulting public opinion generally. In reply to a recent question in the Council Government have promised to publish a revised curriculum for primary schools for public opinion."

The Hon'ble Mr. Wordsworth said:—

"My Lord, on behalf of Government I endorse what has been said by the hon'ble member in charge of the Bill. The object of the hon'ble mover of the amendment is to secure that no system of primary education shall be drawn up and that no alteration in the existing system shall be made without consulting public opinion. That is quite reasonable and I trust that he will accept my assurance that this is done and will be done. Primary education in particular is necessarily a reflection of a wide public opinion as to the needs of the province, but the ultimate decision as to details of curricula and other arrangements must be retained in the hands of those who are able to equate demands and resources and who alone are able to say what the available teaching power can do. The system of primary education now in vogue in this province is being reconsidered and will shortly be published with proposals for modifications and amendment. I can assure the hon'ble member that we shall circulate our papers as widely as possible, not only among municipalities and District Boards, but also amongst all who may be able to assist us by opinion and criticism. But, for the reason stated by the hon'ble member in charge of the Bill, that primary education is a far wider thing than primary education in municipalities, I cannot recommend the Council to accept the amendment, which would pledge us by legislative enactment to consult municipalities alone of authorities interested in the welfare of primary education."

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"My Lord, I am rather surprised that this very modest amendment should be opposed by the hon'ble member in charge of the Bill. All that this amendment seeks is that the views of the municipalities should be invited. It does not ask that the views of the municipalities will in any way be binding upon the local Government, nothing of that sort. I thought that it was very innocuous and a small proposal. After all, this Bill relates to that portion of the primary education which will be provided by the municipalities. With the larger question of primary education to be imparted by the district boards, by Government and other bodies, this Bill has nothing to do. I am thankful to the Hon'ble Mr. Wordsworth for the kind assurance that the views of the public will be consulted. I do not quite see the objection in accepting the amendment, because, after all, my amendment does not go further than that."

The motion was then put and lost.

LIST OF BUSINESS—ITEM No. 8.

The following motion, which stood in the name of the **Hon'ble Babu Ambika Charan Mazumdar**, being covered by the debates on items Nos. 5 and 6, was held to be withdrawn :—

That after the words "Education Department" in line 4 of sub-clause (6) of clause 2 the words "or the Education Board, if any," be inserted:

LIST OF BUSINESS—ITEM No. 9.

The Hon'ble Babu Kishori Mohan Chaudhuri moved that Part II of the Bill be omitted.

He said :—

"My Lord, the amendment which I am going to submit for the consideration of this Council relates to the omission of Part II from the Bill. I may be permitted to submit that this amendment and other amendments regarding this Part II of which I have given notice have not been brought forward with any desire on my part to be an obstructionist to the smooth working of the Bill which has been introduced for the spread of primary education first within municipal areas. In this Part two things are aimed at—*firstly*, collection of some information regarding the state of primary education within municipal areas; and, *secondly*, making over the charge of primary education to the Municipal Commissioners, not only for boys for whom compulsion is proposed to be introduced, but also for boys and girls who are likely to attend primary schools voluntarily. There is this difference—that in one case the girls and boys up to the age of 11 are to be thought of, but compulsion is limited to boys only up to the age of 10. Whatever may be the state of things in the Calcutta Corporation, I am rather anxious for the welfare of mufassal municipalities. So far as I know, it will be very difficult for the mufassal municipalities to take advantage of the provisions of this Bill if it be necessary for them at first to provide for the education of all persons likely to attend the primary schools voluntarily—I mean, not only for boys for whom compulsion is to be introduced, but also for girls and boys up to the age of 11. For this purpose, it is also provided that, if necessary, any sum that will be required for the purpose should be raised by taxation. So far as I can see, the primary object of this Bill is confined to the development of primary

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education. If that is so, the duty which will be imposed upon the municipalities and upon Government under this Bill will be of doing the necessary things for the education of boys and girls who are likely to attend voluntarily. The apprehension is that if this is to be done, the Bill when passed into law will probably be a dead-letter. Whatever information is necessary for the consideration of Government whenever any proposal comes for introducing the principle of compulsion that can be done under the provisions of clause 6. So if the voluntary portion, which it is not the primary object of this Bill to take charge of, be left as it is, I do not see why this Part II should be retained in this Bill. It is in this view and on account of my apprehension that in mufassal municipalities, where the majority are very poor, any taxation will tell heavily upon the resources of the poorer sections of the community, that I have proposed that this Part may be omitted altogether, both as regards the collection of necessary information and as regards voluntary primary education for all; and the arrangement that if Government is satisfied that the municipality is in a position to take charge of the entire thing and is able to provide the necessary funds, if necessary by taxation, then only compulsion is to be introduced, may also be omitted altogether. The Bill may be confined to the compulsory education only. Whatever information may be collected under the provision in clause 6, the special charge, as contemplated in the Bill, only may be limited to the compulsory portion—I mean the education of boys of the age of 6 to 10 only—and no further charge need be taken by the municipality. Government should not—as is proposed—make over, as preliminary to the introduction of the principle of compulsion, the entire charge of the primary education to the municipality. With these few words I submit the proposal for the consideration of your Excellency's Council."

The Hon'ble Babu Surendra Nath Ray said :—

"My Lord, I have not been able to follow closely the arguments of my hon'ble friend; but I shall try to meet them as far as I can. The Bill was originally introduced as a permissive or adoptive measure by virtue of which a municipality could introduce compulsory primary education for all male children within its jurisdiction, subject, of course, to Government sanction. But, before a municipality could take recourse to compulsion, it would be required to make full provision for the primary education of all male children and Government would be quite competent to refuse sanction if they thought such provision to be inadequate.

The Bill as re-drafted introduces a stage before the introduction of compulsion during which expansion will have to be made in primary education by providing facilities for such education in the case of all male children who attend school voluntarily. This portion of the Bill has been inserted at the suggestion of the Corporation of Calcutta. The Select Committee having thought it proper to accept this provision, it would not be desirable to disregard them. I think these provisions in the Bill are worth a trial. For these reasons, I cannot accept the amendment."

The Hon'ble Mr. Arden Wood said :—

"My Lord, the object of the hon'ble member who has proposed this motion is to make the Bill under consideration what it was before it went to the Select Committee, that is, a Bill for the immediate introduction of compulsory education in Bengal.

I have listened carefully to the remarks made by the hon'ble member. I also paid attention to the remarks made by the Hon'ble Babu Ambika Charan Mazumdar in objecting to the passing of the Bill on the 18th February, and I have read them since, but I have not been able to find in them any

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arguments that justify the position they have taken up. The Hon'ble Babu Ambika Charan Mazumdar has a sentimental feeling for compulsory education, as being likely to be a benefit to his ignorant fellow-countrymen, which is entirely honourable to him, but which has made him, I think, in this matter, an unpractical legislator. He objects to an education cess if primary education is not to be free as well as compulsory. It seems to me, if I may say so, a curiously inconsistent position to take up, to object to an education cess on the ground of the poverty of municipalities, and yet to agree to it if education is to be compulsory, and at the same time free ; when to abolish fees would be to sacrifice Rs. 17 lakhs. Those who are to be *compelled* to attend school are to be paid for out of public funds, but not one pie is to be given to help those whose zeal for education makes them attend school of their own accord, while attendance is still voluntary. The hon'ble member is also very suspicious of the powers proposed to be given to the Education Department, and he is dissatisfied with Government because they have not committed themselves to definite statements as to the contribution they will make towards the cost of extended primary education."

The Hon'ble Kumar Shib Shekhareswar Ray said :—

"Is the hon'ble member in order in referring to these matters?"

The President said :—

"I think the Hon'ble Mr. Arden Wood is in order. The amendment asks for the omission of Part II of the Bill which opens up the whole question of compulsory and voluntary education ; as far as I can see the argument of the Hon'ble Member is quite in order."

The Hon'ble Mr. Arden Wood continuing said :—

"My Lord, I think that the Hon'ble Babu Ambika Charan Mazumdar's zeal for education might very appropriately have been associated with greater faith.

The Select Committee took the view that the immediate introduction of compulsory primary education was neither desirable nor possible ; that, having in view the present provision of primary education, and its character, the transition to compulsory education must be by stages. Part II of the Bill, which the hon'ble member proposes to omit, will secure, first, that local authorities will be compelled to face the problem before them, and to realize what the provision of primary education means, financially and otherwise ; and secondly, it will secure the provision of primary education for all children between six and eleven for whom it is voluntarily sought, if the Local Government consider the local authority able to provide it with such assistance as Government may be able to give. It is surely reasonable that before children are *compelled* to attend school, those who are to have the power of compelling them should be themselves required to make an adequate provision of schools and teachers for those who are willing to attend school without compulsion. In thus transforming the Bill, as has been said by way of a grievance, 'almost beyond recognition,' the Select Committee was amply justified by the most authoritative and weighty of the opinions on the Bill circulated to Members of Council. We were told in those opinions that only a third of the total number of boys between the ages of six and ten in Bengal were receiving elementary instruction ; that while in municipalities there was over-abundance of schools, leading to competition and inefficiency, in rural areas there was a deficiency of schools ; that primary schools were miserably housed, nominally equipped, and inefficiently and insufficiently staffed ; that the number of elementary schools was so small in proportion to population

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that compulsion would be a farce; that education should not be made compulsory in any area (municipal or non-municipal) until Government were satisfied that elementary schools had actually been established in sufficient numbers; that there were not nearly enough schools in existence at present to admit of a jump being made to wholesale compulsory education; and that any attempt to introduce compulsion without preparing the ground would only result in the perpetuation of the present defective system; and we were also told, this time by the Calcutta University, that the compulsory provision of suitable schools by local bodies has always preceded compulsory attendance at schools. These opinions undoubtedly justified the Select Committee in considering that if they left the Bill as it was originally presented to Council it would be an empty Bill. The Hon'ble the Director of Public Instruction in his opinion on the Bill remarked that the ignorance of the masses is being steadily broken down by the accumulating influence of thousands of *inefficient schools*. It is satisfactory to find that he sees ground for hope even in this state of things, but he would admit, I think, that what he describes is, after all, only guerilla warfare against ignorance—irregular and unscientific. If the Bill before the Council is to be useful it must help to substitute scientific warfare for unscientific warfare; there must be an organized as well as a general advance. I think it is certain that the Bill as it was would have rather tended to produce educational anarchy. The Select Committee have tried, by inserting Part II of the Bill, to make organized progress possible. They have introduced the necessary intermediate stage that was wanting in the original Bill, the stage in which effort must be concentrated on providing sufficient schools of a new type for those children who will attend school voluntarily. It is the stage in which a really effective educational machinery has to be built up, which can be multiplied and extended as required. It is the stage in which a body of teachers who know what their work is, and can do it, will have to be brought into existence.

Again, it is certain that the immediate introduction of compulsory education would be impossible for financial reasons. An estimate has been made of the cost of introducing compulsory education in Calcutta. The cost, on the same scale of expenditure, of introducing it in the municipality of which the hon'ble member in charge of the Bill is the Chairman, would be some Rs. 37,000 per annum, about the present total income of the municipality. Even taking the more moderate scale of expenditure, which is certainly well under the mark, which has been adopted in several of the estimates given in the printed opinions, the South Suburban Municipality would have to spend some Rs. 11,700 per annum upon primary education as against its present expenditure of Rs. 900. In another municipality the cost of compulsory education calculated on the same scale would mean that, even if Government met half the cost, the rates would have to be increased by 33 per cent. It is obvious that the many municipalities that expressed themselves enthusiastically in favour of compulsory education did not in the least realize what the provisions of the Bill amounted to. For financial reasons only, the Bill, as originally drafted, was bound to be a dead-letter if passed into law.

The retention of Part II of the Bill is of great importance for another reason. I said, in speaking on the Bill on a previous occasion, that it was by no means yet certain what is the best form of elementary education. We are, I hope, feeling our way towards it, and it would, therefore, be a fatal mistake if we introduced compulsory primary education in Bengal now, for, in doing so, we should almost inevitably stereotype the existing form of primary education, which is, in its essence, literary, and which has the great disadvantage, remarked upon by so many of those who contributed opinions on the Bill, of tending to turn boys away from their ancestral occupations.

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Education has to play a great part in making possible an improvement in the material condition of the masses of the people, who are, and will remain, cultivators and artizans. I feel sure that, with this end in view, elementary education must, in future, be mainly based upon work done in the school garden, and in the manual training room and drawing class, rather than on the work done in the ordinary class room where only the three 'R's' are mechanically taught by untrained and ill-educated teachers. The whole bias of elementary education has to be changed.

The retention of Part II of the Bill will mean, I hope, a gradual and steady advance towards the desired goal of compulsory education, and will make it eventually possible for education to be compulsory for all boys between the ages of 6 and 10. But does anybody suppose that if compulsory education is in any sense a success it is going to stop at the age of ten? A boy of ten is about half-way through his education, as elementary education is tending to be in other countries. And with a more liberal view of what elementary education should be, and the super addition to it of vocational education, we may be quite sure that the future Minister of Education will have to face and provide for a vastly increased expenditure upon it. For this reason again it is desirable that we should act with deliberation in this business, making it our aim to secure efficiency, and not merely a showy rapidity of educational advance.

I should like to ask the hon'ble member who has proposed the omission of Part II of the Bill in whose interests he is proposing it. Does he think he is proposing it in the interests of those whom this Bill seeks to benefit: the children we desire to help? If he does, I do not agree with him. I think he is fighting against them instead of for them, and I think that with clearer vision he would come to hold the same opinion."

The Hon'ble Babu Akhil Chandra Datta said:—

"My Lord, the introduction of compulsory education was the object of the Bill as originally presented to the Council. But the Select Committee have materially modified not only the *form* but also the *intention* of the Bill by the introduction of provisions relating to voluntary primary education. Part II may be described as an interpolation made against the spirit of the original Bill. It is based on the assumption that there are few municipalities in Bengal which are now in a position to contemplate the introduction of compulsion. Compulsion was the essence of the reform which the Bill was intended to introduce. The principle of compulsion has no doubt been recognized in the Bill, but it is a half-hearted recognition lacking in anything like enthusiasm and spontaneity. The Select Committee have emphasized the supreme importance and efficacy of the voluntary system and set up the compulsory system as an ideal more or less remote. Compulsion in the first instance has not only been discountenanced but practically prohibited. The whole Bill may be described as a code of instructions issued to the municipalities as to their duties in the matter of mass education within the municipal areas. Now, the first and foremost instruction given in Parts II and III is to give a further trial to the voluntary system. The original Bill wanted compulsion, but Part II cries 'halt' to the municipalities and says to them: 'Don't think of compulsion at present. Concentrate your energies and resources upon the voluntary system. You must first carry out the orders of the Education Department regarding building, furniture and staff of the primary schools under the existing system. When you have done all that then and not till then are you to contemplate the adoption of compulsion'. The merits and demerits of the

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compulsory and voluntary systems of primary education—that is an old controversy and both the Government and the people have said their last word upon that controversy. It is now about ten years ago that Mr. Gokhale introduced his Primary Education Bill in the Imperial Council, and while opposing the Bill the Government suggested that Bills might and should be introduced in local Councils for the introduction of compulsion. Accordingly Bills have been introduced in the different provinces and the system of compulsion adapted. The matter is so absolutely uncontroversial that we find that in the Punjab the initiative has been taken by the Government itself and a Government Bill has been introduced in the Legislative Council for that province. My Lord, it is only here in Bengal, the most advanced province in the whole of the Indian continent, that the old controversy as to voluntary and compulsory systems has been revived. We thought it was too late in the day to raise this controversy, we thought the principle of compulsion had been adapted once and for all and that all that was necessary was to give a practical shape to it and to put it on a practical basis. But ours is a land of surprises and Part II is a great surprise sprung upon the country.

The whole question, my Lord, is how to attract those boys to schools who now keep away. What is the reason for the failure of the guardians to send their children to school? The reason is two-fold which the guardians sustain if they have to send their children to the schools rather than to the fields and factories? They feel that they can ill-afford to forego the little earnings of the children and their disinclination is intensified when they find that over and above this negative loss they will have to incur positive loss in the shape of fees and other expenses.

The question, therefore, arises how to overcome this disinclination? Now, the positive loss can only be met by making elementary instruction free. But free education is not necessary when children attend school voluntarily. It is necessary only when boys are compelled to come to school. So it is absolutely meaningless to speak of the positive loss as a retarding cause, as long as the voluntary system continues. There remains, therefore, only one reason which we have got to consider, namely, the disinclination of people to send children to school because they are eager to obtain what advantage they can from their children's earnings. Now, the question is, what is the real remedy to get over this difficulty. There can be only one answer to this question, and that is compulsion. If we think it is hard to poor people to deprive them of what relief the small earnings of their children bring them, then the matter ends there and we should not think or speak of universal mass education. If, on the other hand, we care at all to carry elementary education at least to that fraction of His Gracious Majesty's subjects who live in towns and municipalities in this country, then the only solution is the introduction of compulsion. Some people think that it is not the people's poverty but their indifference to the moral and intellectual welfare of their children which is the real explanation for their failure to send them to school. But I should think this indifference is mostly due to nothing but poverty. In any case this indifference cannot be got over except by compulsion. What is the remedy provided by Part II of the Bill before us? It proposes to empower the local Government to insist upon the municipalities to provide the necessary school accommodation, staff and equipments for all children between 6 and 11 years of age likely to attend primary schools voluntarily and to assume direct management and control of all such schools and gives power to them to levy taxation if the municipal funds are insufficient. But it is very difficult to understand how these provisions for voluntary education will solve the problem of educating those children who will not attend school voluntarily and whose parents will not send them to school voluntarily? For, we must not lose sight of the real problem we have got to

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tackle, namely, how to overcome the disinclination of those people who do not send their children to school. You may impose an education cess and augment the resources of the municipalities, but what will be achieved thereby? With increased funds the municipalities may set up more schools and better schools. But the system being voluntary, how will this ensure the attendance of the wards of unwilling guardians? Is there any reason to think that poor and ignorant people do not send their children to school because the houses are not comfortable or the teachers are not brilliant? Mr. Richey thinks that inefficiency of schools is one of the main retarding causes. But I speak with knowledge when I say that there is absolutely no justification for such a conclusion. Then, it is said in certain quarters, multiply schools and children will attend in large numbers. There is certainly wisdom in this advice, but the remedy will not go far enough in overcoming the disinclination of those unwilling guardians whose wards do not go to school, not because there are no schools to go to, but because the boys are expected to help them at times of sowing, weeding and reaping, to tend cattle, do jobs about the house or add to the family earnings in various ways. Various devices have been adapted in various provinces to enable the son of the agriculturist and the labourer to help in the fields and yet continue his education, but none has been particularly successful. It is said that the whole problem is fraught with difficulties and doubts. Compulsion may be a drastic remedy, but it is the only effectual one. My contention is that mere multiplication of schools will not take us appreciably nearer the goal. This is not a matter of speculation, but my contention is supported by facts and figures. In the Punjab the number of new schools opened in the quinquennium 1912-17 was six times that of those opened in the preceding period; but the increase of pupils was only double that of the preceding period. I cannot in this connection emphasize too much the difference between rural and municipal areas. In the rural areas the opening of new schools will certainly lead to an instantaneous and remarkable increase of pupils. But things are quite different in towns and municipalities where the lower classes of high English schools and middle English and middle vernacular schools serve the purpose of primary schools. I should think there are not many municipalities with respect to which it can be said that it is want of schools which stand in the way of the expansion of primary education. Some years ago it was estimated that 3·2 per cent. of the ordinary income of our municipalities was sufficient for the elementary instruction of half the boys of school-going age who are likely to attend school voluntarily. I find that in 1916-17, 88 out of 113 municipalities came up to this standard and that 42 municipalities spent more than 5 per cent. of their income on primary schools. So that, taking the province as a whole, the voluntary system may fairly be said to have yielded as much result as can be expected from it. I am, of course, speaking of municipalities. If, however, the system is capable of yielding further result, and if application of further funds will lead to extension of elementary education, even on a voluntary basis, that can be accomplished by insisting on the municipalities to loyally follow the very wholesome principle laid down by the Government of India in reviewing the recommendations of the Decentralization Commission that expenditure on secondary education should not be incurred by municipalities until the requirements of primary education are fully met. But the fact remains that the voluntary system of primary education has not solved the problem of mass education in any civilized country. It won't do to taunt at the Indians for their indifference to the intellectual welfare of their children. Even in England primary education could not make sufficient progress without compulsion in spite of her civilization and wealth. In 1870 Mr. Gladstone remarked: 'I think it is a scandal and a shame to the country (England) that in the midst of our advanced civilization and

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enormous wealth we should at this time of day be obliged to entertain the principle of compulsion.

It passes my comprehension, my Lord, why we in Bengal should have greater faith in the voluntary system than the people of other countries and other provinces. I have great pleasure, my Lord, in supporting the amendment of my friend Babu Kishori Mohan Chaudhuri."

The Hon'ble Rai Radha Charan Pal Bahadur said :—

"My Lord, I do not quite follow the proposal of the hon'ble mover. He wants to delete Part II of the Bill. That part originally dealt with compulsion, but it has been recast mainly on the suggestion of the Corporation of Calcutta. What the Corporation suggested was this: the introduction of compulsory primary education should be obtained step by step. That is to say, it should be seen first whether there is an adequate provision for voluntary education and whether the municipalities concerned are in a position to provide accommodation for their pupils who are anxious to go forward voluntarily, and if that proves to be the case, then to go in for compulsory primary education. I think, my Lord, that all of us here have got the same object in view, and that is, the introduction and extension of primary education in Bengal. But, I think, that this should be gradually achieved. There are, however, certain defects in Part II. The Corporation, while recommending that a statement on the lines suggested in clause 3 (school accommodation, staff, etc.), should be submitted by the municipality, suggested that the statement should be prepared on the assumption that the local Government contributed towards voluntary primary education an amount not less than the amount raised or set apart by the municipality from its own resources for expenditure of primary education—and not less than double the amount raised or set apart by the municipality for compulsory primary education. The next suggestion of the Corporation was that the Board of Education, the formation of which they suggested after receipt of the statement and after considering the condition of each municipality, would be competent to issue an order to any municipality to provide the necessary school accommodation, staff, etc., and to undertake the complete maintenance and control of primary education on a voluntary basis, to be carried out by successive stages. Then, the Corporation touched upon the compulsory form of primary education. In this Bill, although the suggestion of the Corporation has been partially accepted, the principal suggestion as regards the provision to be made by Government has not been accepted. And I am afraid that if it is not accepted the Bill will be of no effect. Now, my Lord, after receipt of this statement and after determining the amount to be paid by Government the local Government may, after satisfying itself, direct the Commissioners to provide the necessary school accommodation. Now, suppose after such an order is passed on a municipality it is found that the receipts from the education cess are not available and the Government contribution is also not adequate—then what will happen? Of course, so long as your Excellency is at the head of the Government and Mr. O'Malley at the head of the department, there is no fear. But, supposing the Government is not inclined to afford that assistance to the municipality which the municipality may consider necessary in order to supplement their resources, then I am afraid the Bill will be inoperative.

I am at the same time afraid that I cannot support the motion for deleting Part II altogether. Having regard to the present state of the country I think it is necessary to help the municipalities in attaining the object of this Bill and I also think that Government have got a responsibility in the matter. They should see that the municipalities do make sufficient provision for school accommodation, etc., in order that they may be able gradually to

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introduce the compulsory system. In my opinion Part II of the Bill is necessary, as it lays down the terms of introduction of the compulsory education and as otherwise, nothing will be done in case the municipalities refuse to levy an education cess and Government refuse to make an adequate grant."

The Hon'ble Babu Ambika Charan Mazumdar said :—

"My Lord, I wish to make only one observation. It seems to me that there is some misapprehension both in this Council as well as outside the Council as regards the attitude of some of us, and this misapprehension to my mind is confirmed by what has fallen from the Hon'ble Mr. Arden Wood. Nobody denies that the successive stages provided for any reform must be accepted as salutary. What some of us have been contending throughout is this—not that we are opposed either to an education cess or to the spread of primary education but we would rather go a step further and say that if an education cess is to be levied by all means it should be levied, but make primary education compulsory and free so that the Act may be fully effective. That is our position. The Hon'ble Mr. Arden Wood has told us that without these successive stages there may be altogether a failure of primary education in this country. There seems to be some mistake on this point. Some of us belong to the holy order of the Calcutta Corporation, some do not and those who receive inspiration from the Calcutta Corporation which is responsible for this change in the Bill seem to think that that is the be-all and end-all of all devices. But the condition of Calcutta is perfectly different from the condition of municipalities in the mufassal, particularly as regards primary education. I am bold enough to say that primary education has made much greater strides in the mufassal municipalities than in Calcutta. There is scarcely a municipality in Bengal where the preliminary stage has not been fully complied with. There are large numbers of primary schools in municipalities where they spend 3 to 6 *per cent.* of their income annually without any taxation for the purpose of primary education and the mufassal municipalities are not so backward as far as the arrangements for primary education are concerned as Calcutta. So what may be considered as very important for Calcutta for the spread of primary education is not necessarily what ought to be done for the mufassal municipalities. I heard of the state of the poor progress made in this metropolis as regards primary education and in fact I was surprised to hear that its progress was so slow and so unsound as compared with the progress made in regard to primary education in the mufassal municipalities. Of course the provision in Part II is perfectly good and legitimate as far as the board's jurisdiction is concerned, but I do think that as regards the municipalities where the Act will have its first operation, Part II will have very little application. My friends have told your Excellency that there are primary classes in almost all the schools, and in every municipality there are not less than half a dozen primary schools excepting the high schools, the middle English schools and the middle vernacular schools which also contain primary classes; so that there is no dearth of schools or of accommodation—of course, they are not palatial. I heard to my great relief from my hon'ble friend Mr. Wordsworth that he is not very much in love with very ostentatious display of school buildings and school furniture. If that is so, I think, that Part II, carrying with it an education cess will have very little encouragement for the mufassal municipalities. It may have much encouragement for Calcutta, and it may be a very good incentive for the rural areas outside local municipalities. So that our attitude is not that we are opposed to primary education nor to the education cess, but what we mean is that if we want really to make a substantive progress in primary education within municipalities outside Calcutta it ought to be compulsory. That is the main position and, in fact, we ought not to be misunderstood in this respect."

*The Bengal Primary Education Bill.**Sir D. P. Sarbadhikari.***The Hon'ble Sir Deba Prasad Sarbadhikari** said :—

" My Lord, I happen to belong to the ' holy order ' as it has been put, of the Calcutta Corporation and to other ' holy orders '. I am reminded by my friend Sir Rajendra Mukerjee that my belonging to the Corporation order is of recent days. My friend forgets that as one of the Twenty-eight, whose resignation led and will still further lead to municipal improvement. I used to belong to that order years ago ; and in spite of the intermediate and obligatory lapse, I have in spirit always belonged to it. I cannot, however, subscribe to the proposition that what the municipality of Calcutta has put forward is likely to put off real compulsion to any appreciable extent. If Part III of the Bill was not a part of the Bill and Part II stood by itself, much of the criticism that has been levelled towards it would have been intelligible. What does Part II of the Bill—for which the Corporation has made itself responsible—really amount to? It is something like a buffer—and insists that an educational survey be made in the first instance to find out the position as well as the resources and requirements. It also seeks to find out exactly how and when Part III, which deals with compulsion, can advantageously be introduced. That is all that Part II of the Bill aims at and its object cannot possibly be to put off the evil day ; and the Council will be ill-advised in leaving out so healthy a provision.

" My Lord, to have a mere paper provision for compulsion and not to be compelled to provide for that compulsion would be a strange situation for which all really interested in the educational welfare of the country would be truly sorry. Can any of my friends from the mufassal say that any primary schools or lower classes in higher or middle schools that take the place of primary schools are empty or nearly so? Is it the case that the schools that have been established are starved for want of students? If that was the case and there was no doubt or misgiving on the score of requirements or resources the case for compulsion would be immediate, and the necessity for Part II of the Bill would disappear. My Lord, whether in the higher stage, or in the University stage or the middle or primary stage there is not a school or *patsala* all over the whole country that cannot be filled twice over. The number of students that has to be turned away from the doors of our schools and colleges every year is admittedly large and to talk specially of compulsion without providing in the first instance for those willing to attend without any compulsion is, to say the least of it, neither honest nor businesslike. You would be unwarrantably and needlessly weakening the whole situation. That being the situation, our first care should be to provide for those who are ready to go to school, and when that is done and you know where you are going to put those who do require compulsion, to take steps for compulsion, which ought to come as early as possible. To take to compulsion where it is not yet required is to try to have a mere paper provision when we have not the means of compelling that compulsion.

My Lord, I do not think that the Hon'ble Mr. Majumdar or anyone will charge me with advocating the necessity of having palaces for housing our schools. The charge against me so long has been that I do not believe in the superabundance of brick and mortar in connection with education, but am fully prepared to accept schemes of work such as the Satyabadi School in Orissa follows. None has tried to stand out for that ideal more than myself. I believe that sometimes beneath the outstretching branches of a tree or in the courtyard of a family dwelling house, where our *patsalas* used to meet a school can be well conducted. I have seen illustrations of this in many parts of Bengal and I fully believe that, without overmuch brick and mortar, it would be possible to have excellent educational institutions. But the most important matter is the question of good teachers and teachers' pay and one has to consider various other matters connected with it which could be best

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solved by proceeding slowly, and that process of slow but steady progress, I think, have the full co-operation of the people whose needs we are trying to meet. Let us in the first instance provide schools which could be filled without having recourse to compulsion. It is not the 'holy order' of the Corporation of Calcutta alone that was responsible for the outrageous provision that finds place in Part II of the Bill. The Senate of the Calcutta University, whose holiness will, I hope, be left unimpaired, may grow more in the skilful hands of our hon'ble colleague, Sir Nil Ratan Sirkar, is somewhat of the same opinion. The Hon'ble Mr. Arden Wood has already referred to it. I might read to the Council the full text of their opinion. This is what they say: 'We feel, however, that before compulsion is introduced, education should be made free.' They further say: 'We hope that local bodies here will of their own good will take upon themselves the responsibility of providing an adequate number of schools for all the children residing within these areas.' That is the first proposition which Part II of the Bill seeks to provide. When all that is possible and what is necessary in the shape of complying with the requirements of Part II is forthcoming, Part III comes in almost automatically. The municipalities ought not to be called upon to take more burden upon themselves than they can adequately bear without a thorough understanding of the situation. We have been told of the mufassal municipalities and their enormous possibilities. Only a few days ago I was present at Dinajpur where a very large public meeting was held to consider this question. After going through the facts it was found that even if Government were prepared to pay Rs. 10,000, but the municipality could ill-afford to pay as much to provide for the number of children the municipality had of the school-going age. There may, of course, be some municipalities which may be fortunate enough to come up to the standard laid down by Mr. Majumdar and after the survey these will take up the work the soonest, but we know of municipalities where the question will be very acute and without properly considering their resources, to say at once that Part III should come into operation is at least short-sighted and not favourable to the point of view which I am sure is in the minds of all of us. I would emphasize the supreme necessity of having compulsion at the end, and the surest and most effective way is provided by Part II. I do not, therefore, understand the object of omitting it and hope that the plea for this omission will not prevail."

The Hon'ble Babu Kishori Mohan Chaudhuri said :—

My Lord, I have tried to explain in the beginning that my object is that compulsion and taxation should go hand in hand: if the compulsory primary education is to be introduced, of course, the taxation will be justifiable. If that is not done, I believe it will rather hamper the progress of education and the poorer municipalities will not be in a position to come forward at first to provide for the education on a voluntary basis and to assess any tax for meeting the expenses for that and then and then only to come for compulsion. It is not my intention that we should not satisfy Government first as to what is necessary for the spread of primary education and then to apply for compulsory education, but my amendment is that we should not think of assessing any tax before we are prepared to introduce compulsory primary education. I do not mean to say that we do not care whether all children up to a certain age are educated or not, but what I want to say is that when the compulsory education scheme contemplates a provision of education of boys up to the age of 6 to 10 only, in that case if we are to satisfy Government by a preliminary survey of educational requirements, we should confine our attention to that portion only. It is in that view that I think that Part II is not at all necessary, for the scope of the Bill is to deal with compulsory primary education only, and if we are to introduce it, and if we are to see that

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up to the age of 10 all boys are educated we should confine our attention to that portion only; and if they mean to prosecute their studies further they will do it themselves on a voluntary basis or in any other way that may be thought advisable to the guardians and themselves. It is not necessary for me to say more and I submit my amendment for the consideration of your Excellency's Council."

The motion was then put and lost.

LIST OF BUSINESS—ITEM No. 10.

The **Hon'ble Babu Kishori Mohan Chaudhuri** moved that sub-clause (a) (i) of clause 3 be omitted.

He said :—

"My Lord, my next item is, as I have explained already, that if any survey is to be made, it may be made for those for whom compulsory education is to be provided. It is not necessary to make a survey of the existing state of primary education in the municipalities. It is desirable no doubt for Government to see that before introducing the principle of compulsion it should be seen that what is required is being done, but as the scope of the Bill is to deal with compulsory primary education, it is not necessary, in making the survey, to go into the requirements of all children both boys and girls for whom it is not intended to introduce the principle of compulsion. I may be permitted to deal with the proposals contained in items 10, 11, 12 and 15 because the main idea is the elimination of those for whom the compulsion is not intended. If that is accepted the other amendments will be simply incidentally necessary. If that principle is not accepted then it is not necessary to move them separately."

The **Hon'ble Babu Surendra Nath Ray** said :—

"My Lord, I am sorry I have to oppose this amendment for the reasons already given by me in opposing my friend's other amendment."

The **Hon'ble Rai Radha Charan Pal Bahadur** said :—

"My Lord, I have tried to follow my hon'ble friend but I do not quite understand what useful purpose will be served by omitting clause 3(a). If a statement is to be prepared and submitted to the local Government it is stated here that it would include the number of children not being less than 6 or more than 11 years of age within the municipality. I do not understand why my friend wants to omit it. Does he mean to say that the term 'children' includes boys and girls and that girls ought to be excluded from the statement. I cannot quite follow it. This is a statement which ought to be the necessary basis of information before compulsory primary education is introduced, and I do not quite follow my friend what he means by proposing that the sub-clause should be omitted."

The motion was then put and lost.

LIST OF BUSINESS—ITEM No. 11.

The **Hon'ble Babu Kishori Mohan Chaudhuri** moved that sub-clause (e) (i) of clause 3 be omitted.

The motion was put and lost.

*The Bengal Primary Education Bill.**Rai R. C. Pal Bahadur ; Babu S. N. Ray ; Babu K. M. Chaudhuri.***LIST OF BUSINESS—ITEM No. 12.**

The following motion which stood in the name of the Hon'ble BABU KISHORI MOHAN CHAUDHURI was, by leave of the President, withdrawn :—

That sub-clause (e) of clause 3 be omitted.

LIST OF BUSINESS—ITEM No. 13.

The Hon'ble Rai Radha Charan Pal Bahadur moved that before the word "receipts" in line 2 of sub-clause (f) of clause 3 the word "probable" be inserted.

He said :—

"My Lord, this is merely a verbal amendment designed to clear up the meaning of the section. When the statement under section 3 will have to be submitted, the levying of an education cess will be an uncertain future event. It is not the intention of the framers of the Bill that such a cess will be levied in every case before compulsion can be introduced. Possibly the misapprehension that the Bill is designed to be a measure of taxation should be avoided and therefore I think, my Lord, that the word 'probable' would make our intention clear. It would not break my heart if it is not accepted."

The Hon'ble Babu Surendra Nath Ray said :—

"My Lord, I accept the amendment of my hon'ble friend."

The motion was then put and agreed to.

LIST OF BUSINESS—ITEM No. 14.

The Hon'ble Rai Radha Charan Pal Bahadur moved that after the word "cess" in line 3 of sub-clause (f) of clause 3 the words "that may in future be levied" be inserted.

He said :—

"My Lord, this is also merely a verbal amendment and I should be glad if it is accepted."

The Hon'ble Babu Surendra Nath Ray said :—

"My Lord, though it is unnecessary still I accept the amendment."

The motion was then put and agreed to.

LIST OF BUSINESS—ITEM No. 15.

The following motion which stood in the name of the Hon'ble BABU KISHORI MOHAN CHAUDHURI was, by leave of the President, withdrawn :—

That for the word "such" in line 4 of sub-clause (f) of clause 3 the word "the" be substituted.

*The Bengal Primary Education Bill.**Babu K. M. Chaudhuri; Babu A. C. Mazumdar.***LIST OF BUSINESS—ITEM No. 16.**

The following motion, which stood in the name of the Hon'ble BABU KISHORI MOHAN CHAUDHURI was, by leave of the President, withdrawn :—

That after the word "education" in line 4 of sub-clause (g) of clause 3 the following be inserted, namely :—

"for boys referred to in clause (a)".

LIST OF BUSINESS—ITEM No. 17.

The following motion, which stood in the name of the Hon'ble BABU KISHORI MOHAN CHAUDHURI was, by leave of the President, withdrawn :—

"That clause 4 be omitted."

LIST OF BUSINESS—ITEM No. 18.

The following motion, which stood in the name of the Hon'ble BABU KISHORI MOHAN CHAUDHURI was, by leave of the President, withdrawn :—

That the words "after complying with the directions of the Local Government under section 4" in lines 1 and 2 of sub-clause (1) of clause 6 be omitted.

LIST OF BUSINESS—ITEM No. 19.

The Hon'ble Babu Ambika Charan Mazumdar moved that after the words "Local Government" in line 1 of sub-clause (2) of clause 6 the words "after considering the application and after determining the financial assistance from the Government which may be necessary to provide for compulsory primary education within the municipality, shall", be inserted, and the word "shall" in line 3 of this sub-clause be omitted.

He said :—

"My Lord, this is not merely a verbal amendment. In considering this amendment I would invite the attention of the Council to the wording of clause 4. In case of primary education on voluntary basis, it has been said that after considering the statement of the municipalities concerned and after determining the amount of financial assistance from the Government which may be necessary Government will grant such permission with reference to voluntary education. Now here in clause 6 we have to consider a similar provision with regard to compulsory primary education, and I wish to have it added that the same provision which we have in clause 4 should be repeated in clause 6 : that is to say, as in the case of voluntary education, Government will have to determine the amount of financial assistance which it can render, so in the case of compulsory education it shall have to do the same thing. It may be argued that Government has already under clause 4 determined the financial assistance, so that it is no longer necessary to repeat it in clause 6. I think that is not exactly the correct position, for it must go without saying that when Government comes forward, although Government has not committed itself to any financial assistance, as we know from the heated debate on the last occasion on this measure, yet I am more than confident, as every hon'ble member of this Council is confident, that Government for its own credit will surely come forward with some assistance, and some substantial assistance, for the help of primary education. Although it has

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not committed itself to any definite proportion, I am sure that simply for its own reputation, if not for anything else, it will make a substantial contribution. Now that contribution will at once be determined in the case of voluntary education under clause 4, but in case of compulsory education I am fully convinced that the cost of compulsory primary education will be much larger than that required for voluntary education and Government is sure to contribute more for compulsory primary education than for education on a voluntary basis. Therefore I think it is necessary to repeat in clause 6 that Government after determining the financial assistance that may be necessary for compulsory primary education shall grant the application. In the first case under clause 4 it will consider what amount of contribution is necessary for primary education on a voluntary system and in the next case in Part II when dealing with an application under clause 6 Government will have again to consider what contribution it ought to make for making education compulsory and therefore the repetition of 'after determining the financial assistance, etc.,' is not a merely verbal one. I think it ought to be repeated there."

The Hon'ble Babu Surendra Nath Ray said :—

"My Lord, I have great pleasure in accepting this amendment."

The Hon'ble Mr. O'Malley said :—

"My Lord, Government is prepared to accept this amendment."

The motion was put and agreed to.

LIST OF BUSINESS—ITEM No. 20.

The Hon'ble Maulvi Abul Kasem moved that at the end of clause 7 the following be added, namely :—

"Provided also that the Committee shall always include a number of Muhammadan members whose proportion to the total number of members on the Committee shall not be less than the proportion of Muhammadans to the total population in the municipality".

He said :—

"My Lord, the question of communal representation whether it be on the local governing bodies or the school committees is no doubt an evil, but circumstances as we are in at present it is a necessary evil, and in the interest of the Muhammadan community I put forward this amendment for the consideration of your Excellency's Government and the Hon'ble Members of this Council."

The Hon'ble Babu Surendra Nath Ray said :—

"My Lord, I am sorry I have to oppose this amendment. I cannot understand why my friend the Hon'ble Maulvi Abul Kasem who is always wide awake should in this matter be a Rip Van Winkle. It seems that this Bill is before the Council for more than a year and at the last stage of the Bill he brings forward an amendment which we had not time to consider in the Select Committee. The Hon'ble Maulvi A. K. Fazl-ul-Huq was in the Select Committee and probably there is no greater exponent of the views of the Muhammadan community than my friend, but he never suggested any such proposal in the Select Committee. Now I think it is too late in the day to make any such suggestions here. When the Bill was before the Council only

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the other day no amendment of this nature was brought forward by any of the Muhammadan members here. This amendment introduces a communal consideration which is unnecessary and unwarranted, and as I have said the Hon'ble Maulvi Fazl-ul-Huq never suggested any such representation. Supposing the Commissioners looked after the schools themselves and there was no provision for school committees, no such communal question would arise because the existing municipal constitution does not recognise communal representation. Unless and until communal representation is recognised in municipalities this principle should not be introduced in a lesser body subordinate to and appointed by them. Moreover, primary education is a matter in which communal questions rarely arise. For these reasons, my Lord, I oppose this amendment."

The Hon'ble Babu Ambika Charan Mazumdar said :—

"My Lord, I am really very sorry to have to say that this is an impossible proposal. Of course the Hon'ble Maulvi Abul Kasem is perfectly right in guarding the interests of his community in season and out of season, but here is a proposal which is absolutely impracticable. I daresay my hon'ble friend surely understands that the school committee will not be a large body like the Bengal Legislative Council, but it will be a small working committee which I do not think in any case will consist more than half-a-dozen members. You must have in the first place as we have laid down that the Deputy Inspector or the Sub-Inspector must be a member of it, and that is quite right, and then at least one of the Commissioners must also be there, and, thirdly, you have laid down that at least two members outside the Corporation must be on it : so that you may have one or two members more at most. If there be five members you will have only one left. I leave it to my hon'ble friend who is a watchful guardian of his communal interest to find out the arithmetical proportion of the percentage to be worked out in an area where the Muhammadan population is 60 per cent. and the Hindu population is 40 per cent., and there is only one vacancy. I do not know how to work out this proportion without dissecting the member. In the second place what does my hon'ble friend mean? He knows that I have bestowed my thought upon all questions affecting my Muhammadan brethren and I may tell him that this is a case of pound, shilling and pence and not merely of numerical strength. Now in a municipality where Rs. 2,000 have to be raised by education cess the Muhammadans will probably contribute not more than Rs. 200. If he goes upon numerical strength what becomes of the financial position. If we are only to consider the numerical strength of a population in order to decide the number of the controlling body, then cannot the other side also say that as we are going to pay for the piper why should we not command the tune. So that these little things ought not to go in the minds of persons wholly interested in the broad welfare of the country in considering the constitution of the school committee. It is an impossible amendment and in the second place it is unfair because you cannot go simply upon a numerical strength and you have also to consider the financial side."

The Hon'ble Maulvi Abul Kasem said :—

"My Lord, I am really surprised and I did not expect that the amendment which I have just moved would extort the reply that has been given to it. In the first place my hon'ble friend, the member in charge of the Bill, has said that we have not drawn attention to this side of the question so long, that is, as long as the Bill was before the Council and that in the Select Committee the Hon'ble Maulvi Fazl-ul-Huq did not bring it to notice. I admit, my Lord, that I took no action in this matter and I also admit that

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my friend, Maulvi Fazl-ul-Huq, has been also guilty of a little negligence, but that is absolutely no reason why the interests of the community which we represent in this Council should be overlooked. From the opinions received from many of the Muhammadan Associations, it appears that some of them have no doubt stated that they want Muhammadan representation and that Muhammadan interests should be safeguarded. The Hon'ble Babu S. N. Ray has said that this question of communal representation cannot be introduced at this stage unless and until communal representation is recognised in municipalities. My Lord, I beg to submit that we the Musalmans have asked for a communal representation on municipalities and District Boards and to some extent your Excellency's Government has also recognised our demand. When the Bengal Local Self-Government Act and the Municipal Act were passed it was presumed that Muhammadan interests would be safeguarded by Government appointments, but recent events have shown that that has not been done always in the majority of cases. So your Excellency's Government had to issue a resolution directing Government officials in making their recommendations for Government appointments to keep in view the question of Muhammadan representation, and I hope, my Lord, that that resolution is given effect to. There have been many controversies over this matter, and as regards the remark made by the Hon'ble Babu Ambika Charan Mazumdar that not only the numerical strength but the financial question should also be taken into consideration, if I am assured that the second resolution of which I have given notice is accepted by the hon'ble member in charge, I am quite prepared to withdraw this amendment. I certainly admit, my Lord, that there is a good deal of justification in the argument that the representation should not only be on the basis of population but as well as on the basis of taxation. What I want to do is that Muhammadans would have a fair representation on school committees, and I do it not only on sentimental grounds but on the ground of necessity as well. We have found to our cost whether it is in a municipality or a District Board that simply owing to the absence of Muhammadan members or an adequate number of Muhammadans, Muhammadan interests have suffered. That has been done, and there is no denying the fact. I do not mean to say that non-Muselman members of the school committees or other local committees do anything deliberately wrong, but they overlook Muhammadan interests unconsciously, and my friend and myself have put forward demands times without number that in all administrative questions wherever a resolution has been put forward we have suggested that a committee of officials and non-officials be appointed simply because the non-official point of view should be pressed before the committee. For that reason I want that Muhammadans should be sufficiently and well represented on all these committees in order to bring forward Muhammadan interests and the views of the Muhammadan community on these questions, and therefore I hope and trust that as this amendment does not refer to financial question, I will be justified in pressing it. I myself admit the justification, but I hope that the second amendment will be accepted by the Council. I beg to withdraw the amendment."

The motion was then, by leave of the President, withdrawn.

LIST OF BUSINESS—ITEM No. 21.

The Hon'ble Maulvi Abul Kasem moved that at the end of clause 7 the following be added, namely:—

"Provided also that the Committee shall always include an adequate number of Muhammadan members."

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"My Lord, I am sorry I cannot accept this amendment. These matters may be safely left to the Local Government which may either frame rules to secure communal interests, if any, or issue general instructions to secure the object."

The Hon'ble Maulvi Fazl-ul-Haq said :—

"My Lord, much against my will I wish to say a few words on this amendment. The amendment as it has been worded only suggests that an adequate number of the members should be Muhammadans. The word 'adequate' is so beautifully vague that I do not think that my hon'ble friend in charge of the Bill can possibly take any objection to it, at least on any ground which I can at the present moment conceive. I do not think he wants to take up the position that there may be questions affecting the Muhammadan community as to which Muhammadan members can throw better light than members belonging to other communities and yet as certain number of Muhammadan members should not be associated in the deliberations of the committee. If he does not take up that position, I do not see how and on what reasons he can object to an amendment of such an innocuous character. He has suggested that the matter may be left to Government to be dealt with by rules. We object to that on principle. If I remember aright, on the last occasion when this Bill came up for consideration, we objected that important matters of principle should be included in the provisions of the Bill and not left to be dealt with by rules to be framed by the Local Government, and that is the principle we have been fighting for. I do not understand how in a matter affecting the interests of such a large section in this Presidency, when we want to make some definite statutory provision we should be asked to settle this matter by means of rules. Why cannot the Act itself provide for some statutory powers to be vested in the committee, so that the committee might not merely represent a particular section or various sections that go to make up the great mass of the people? I cannot understand, my Lord, why this matter should be left to be regulated, by the rules to be framed by the Local Government.

Before I sit down I would like the hon'ble member in charge of the Bill to look at this matter from the point of view from which we are looking at it. We are all working towards a common object, and there can be no doubt that we are all anxious that the administration of this Bill should be rendered as successful as possible, and in order to do so we should try to remove all possible causes of friction. We need not speculate whether there is any possibility at any future date of any questions coming up as to which first-hand knowledge of the community directly affected might be of use in the deliberations of the committee. It is for meeting a possible emergency that we want it to be statutorily provided that an adequate number of Muhammadans should be represented on the school committee. I would ask my friend to consider that if he sets his face against a proposition of this character, an impression will be created outside the Council that those who are in charge of the Bill have not given adequate consideration to the interests of a community which forms the majority of the population in the Presidency—interests which deserve consideration at the hands of those who are in charge of an important measure like this. With a view to avoid any misconception of this kind the hon'ble member in charge should except the amendment. There could be no practical difficulties in carrying out this provision; otherwise a wrong idea would be created in the minds of the people outside this Council. Therefore I submit that on grounds of prudence, expediency and good feeling between all sections of the people, my hon'ble friend would reconsider the position and accept this proposition.

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The Hon'ble Rai Radha Charan Pal Bahadur said :—

"My Lord, I sympathise with the observations that have fallen from the last speaker, but in considering the matter dispassionately I find certain difficulties. Suppose this motion is carried and we are committed to have a certain number of Muhammadan members in the school committee. What will happen if there are no Muhammadan residents in a municipality or if there are, they are not fit or willing to serve in the committee? What are we to do in such cases? These difficulties may arise. I am moreover surprised that such a suggestion should come from those who profess themselves to be ardent Home Rulers. It seems they have no confidence in their own countrymen irrespective of nationality. Are all their declarations empty words? Cannot they trust the municipalities for selecting suitable Muhammadans wherever possible or leave it to the Government to make rules in that behalf? I find clause 18 of the Bill contains a provision which will obviate the difficulty. I do not think that there is any necessity for this amendment."

The Hon'ble Maulvi Abul Kasem said :—

"My Lord, I very much regret that this amendment has not been accepted by the hon'ble member in charge. Even such an amendment which does not fix a number is not accepted by men like the Hon'ble Babu Ambika Charan Mazumdar who would call it delightfully vague and the Hon'ble Rai Radha Charan Pal Bahadur."

The Hon'ble Babu Ambika Charan Mazumdar said :—

"I have said nothing yet."

The Hon'ble Maulvi Abul Kasem said :—

"At least you have not supported it. I say that when Members of this Council, leaders of public opinion, are of opinion that Muhammadans should not be adequately represented in the school committee what can my community expect from members of other communities scattered over small rural and urban areas who have got more prejudice and more personal interest to serve than members of this Council? My Lord, it has been said that the matter will be left to Government. But from clause 15 it appears that the Commissioners of municipalities and members of local boards will frame the rules and not the Local Government. We have been asked to look at the question from a broad national point of view. So we do. It is all very well to speak thus from platforms, but when an opportunity comes all these platitudes come to nothing. We know that even from men like the Hon'ble Rai Radha Charan Pal Bahadur we do not get that fair treatment which we are asked to expect from members of the school committee. We have been told that suitable Muhammadans are not available. If we compare the needs of our community with the number of suitable appointments held by Muhammadans we find that there are very many suitable Muhammadans who have been left out. It has been suggested that 'adequate' is a vague term. Well, I am prepared with your Excellency's permission, to modify this amendment so as to read that there should at least be one Muhammadan member. Although this will not fully meet with my wishes, I am still prepared to move it if your Excellency permits me to do so and if it is accepted by the hon'ble member in charge."

The President said :—

"The hon'ble member should have given notice of his amendment beforehand. It is very inconvenient for the hon'ble members of this

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Council to consider an amendment at the last moment without any opportunity of studying it before. I cannot say that I should be prepared to allow this amendment to be moved at this stage unless the hon'ble member in charge is prepared to accept it."

The Hon'ble Babu Surendra Nath Ray said :—

"I am sorry I cannot accept this amendment."

The President said :—

"In that case I cannot allow the amendment to be moved without proper notice."

The Hon'ble Babu Ambika Charan Mazumdar said :—

"My Lord, I want to make one or two personal observations. My hon'ble friend has complained that Muhammadans do not get fair treatment at the hands of the members of other communities. I would not go into that question, but I would tell him for his information that I come from a district where the sitting Vice-Chairman of the District Board is a Muhammadan elected by a Hindu majority. At the last municipal election the Hindus joined hands with the Muhammadans to return the two Muhammadans who were candidates for municipal seats.

The Hon'ble Maulvi A. K. Fazl-ul-Haq said :—

"May I rise to a point of order, Sir? It is absolutely irrelevant to the point at issue."

The Hon'ble Babu Ambika Charan Mazumdar said :—

"It is not irrelevant. When you throw dirt on other people they must have a right to defend themselves."

The President said :—

"I think it is desirable that the hon'ble member should adduce arguments either for or against the amendment under consideration."

The Hon'ble Babu Ambika Charan Mazumdar said :—

"I have nothing further to add."

The question being put, a division was taken with the following result :—

Ayes—18.

The Hon'ble Mr. R. V. Mansell, O.B.E.
 " " W. H. H. Arden-Wood, C.I.E.
 " " Aminur Rahman.
 " " L. V. N. Meares.
 " " Kumar Shib Shukharswar Ray.
 " " Mr. Arun Chandra Singha.
 " " Sir Doba Prasad Sarbadhikari, Kt.,
 C.I.E.
 " " Mr. F. W. Carter, C.I.E., C.B.E.
 " " W. E. Crum, O.B.E.
 " " W. H. Phelps.
 " " Dr. Abdulla-al-Mamun Sahrawardy.
 " " Maulvi Abul Kasem.
 " " Mr. M. Ashraf Ali Khan Chaudhuri.
 " " Maulvi A. K. Fazl-ul-Haq.
 " " Mr. Altaf Ali.
 " " Babu Akhil Chandra Datta.
 " " Rai Mahendra Chandra Mitra Bahadur.
 " " Babu Kishori Mohan Chaudhuri.

Noes—21.

The Hon'ble Sir Henry Wheeler, K.C.I.E., C.B.I.
 " " Mr. J. G. Cumming, C.B.I., C.I.E.
 " " the Maharajadhiraja Bahadur of
 Burdwan.
 " " Mr. J. H. Kerr, C.B.I., C.I.E.
 " " C. J. Stevenson-Moore, C.V.O.
 " " F. C. French, C.B.I.
 " " J. Donald, C.I.E.
 " " L. S. S. O'Malley, C.I.E.
 " " H. P. Duval.
 " " M. C. McAlpin.
 " " F. A. A. Cowley.
 " " Colonel J. K. Close, M.D., I.M.S.
 " " Mr. W. C. Wordworth.
 " " C. F. Payne.
 " " S. G. Hart.
 " " Khan Bahadur Manvi Aminul
 Islam.
 " " Sir Rajendra Nath Mookerjee, K.C.I.E.
 " " Nilratan Sarkar, Kt.
 " " Raja Hrishikesh Lahal C.I.E.
 " " Babu Siv Narayan Mukharji.
 " " Babu Surendra Nath Ray.

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The following members abstained from voting :—

The Hon'ble Mr. Provash Chunder Mitter, C.I.E.
" " Rai Debender Chunder Ghose Bahadur.
" " " Radha Charan Pal Bahadur.
" " Babu Ambika Charan Mazumdar.

The following members were absent :—

The Hon'ble the Nawab Bahadur of Murshidabad.
" " Babu Brojendra Kishor Ray Chaudhuri.
" " Mr. G. A. Bayley.
" " " H. R. A. Irwin, C.I.E.
" " Khan Sahib Aman Ali.
" " Babu Bhabendra Chandra Ray.
" " Rai Sri Nath Ray Bahadur.
" " Babu Mahendra Nath Ray, C.I.E.
" " Mr. K. B. Dutt.

The Ayes being 18 and the Noes 21, the motion was lost.

AFTER LUNCH.**LIST OF BUSINESS—ITEM No. 22.**

The following motion which stood in the name of the Hon'ble Babu Kishori Mohan Chaudhuri, was, by leave of the President, withdrawn :—

That after the word "Municipality" in line 4 of sub-clause (I) of clause 17 the following be inserted, namely :—

"for boys referred to in clause (a) of section 3".

LIST OF BUSINESS—ITEM No. 23.

The Hon'ble Rai Radha Charan Pal Bahadur moved that after the words "the Commissioners may" in line 4 of sub-clause (I) of clause 17 the following be inserted, namely :—

"after making an application under section 6, sub-section (I), and".

He said :—

"My Lord, my object is that an application must be made under section 6 (I), i.e., the imposition of the cess should be made after an application is made by the Commissioners to the Local Government for the introduction of compulsory primary education within their area. My amendment seeks to fix the time and certain conditions under which the municipality will be entitled to levy a cess. In the original Bill the education cess was proposed to be levied only for the purpose of compulsory education, but in the amended Bill the cess is proposed to be levied for the purpose of financing voluntary education as well. At the last meeting when the Bill was considered some amendments were brought forward with the object of making the imposition of the cess dependent on the introduction of compulsory education. These amendments were lost. The present amendment is midway between the provisions as made in the original Bill and those as amended by the Select Committee. It will not bar the cess being levied before the introduction of compulsion as it lays down that the cess may be imposed only after sufficient progress has been made under the scheme of

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voluntary education and after an application has been made by the Municipality to the Local Government for permission to introduce compulsory education within their area. My Lord, a similar provision exists in the Bombay Act, the Punjab Act, the Bihar and Orissa Act and in the United Provinces Bill and in none of these measures an education cess is contemplated without the introduction of compulsion. It would be rather a complete innovation to sweep away all safeguards and to retain the present provisions, and what I seek to introduce is this : that before an education cess is levied there must be some progress of primary education at its voluntary stage which would justify the imposition of an education cess preparatory to the introduction of compulsory education. I hope that this suggestion will be favourably considered by Government, for it will dispel the impression, which has at present been unfortunately created, that it is merely a taxing measure, and is really not for attaining the object which the framers of the Bill have in view. It would not bar any municipality in imposing an education cess for voluntary purposes as well, but I think it should not be levied at the initial stage, and it should be levied only after some progress has been made in voluntary education within the municipality. I seek to introduce this amendment with a view to reassure the public mind on the subject.

The Hon'ble Babu Surendra Nath Ray said :—

"My Lord, I am sorry I cannot accept this amendment of my hon'ble friend. Under this amendment a municipality would be enabled to impose an education cess only after having made an application to Government for permission to introduce compulsory education made under Part III, but before actual introduction of compulsion. The cess will be available for expenditure on voluntary education as well, but this amendment marks a stage when alone can such cess be imposed—a stage when a municipality is seriously thinking of introducing compulsion. For these reasons I cannot accept the amendment."

The Hon'ble Mr. Wordsworth said :—

"My Lord, I had no wish to speak on this amendment, but the hon'ble mover has stated his wish to hear what the representative of Government has to say and therefore I shall say only a few words. The Bill as it stands allows those in charge of education in the municipalities which accept the Bill to impose a cess or not at their discretion. It allows them to impose the cess at any stage of progress, and the hon'ble mover is less generous than the Bill in that he seeks to limit their power and to force them to impose the cess only at the stage when and if they contemplate the introduction of compulsory education. We have already debated this point in several amendments this morning, and I think the attitude of Government is sufficiently clear to the Council already. I am unable on behalf of Government to recommend to the Council the acceptance of this amendment.

The hon'ble mover has referred to various other Bills—the Bihar and Orissa, the Punjab and other Education Bills of a like nature. The reference really does not carry us any further. These Bills, like our own, are experimental : they have only just been introduced and we do not know what degree of success they are likely to attain. We cannot obtain any guidance from the experience of other provinces in this respect. We have our own problems, we have made our own progress, and we have to frame our own legislation in relation to our own conditions as we interpret them. I am therefore unable to recommend the acceptance of this amendment."

*The Bengal Primary Education Bill.**Rai R. C. Pal Bahadur ; Babu A. C. Datta.***The Hon'ble Rai Radha Charan Pal Bahadur** said :—

"My Lord, with reference to the remark of the Hon'ble Mr. Wordsworth about the provision in other Bills of other legislatures, I may point out that the provision in the other Acts goes much further than what I have suggested. For instance, in the Bihar and Orissa Act it is stated that the imposition of the cess shall only be permissible after compulsory education has been introduced. This is a condition precedent to the imposition of the education cess in other provinces. What I seek to introduce is this condition. After an application has been made to Government by the municipality for the introduction of compulsory education within their area the Commissioners may impose an education cess. I do not think that this will in any way hamper the municipality. It may be said that the municipality will not be able to impose an education cess from the very beginning, but that is not, I believe, the object of the framers of the Bill ; that from the beginning before any progress has been made in connection with primary education that an education cess will be levied. I think there must be some justification to show that the education cess should be levied in any area by proving that some progress has been made in voluntary education there, and therefore I think that the addition of these words to the clause will greatly reassure the public mind."

The motion was then put and lost.

LIST OF BUSINESS—ITEM No. 24.

The following motion which stood in the name of the Hon'ble BABU KISHORI MOHAN CHAUDHURI was, by leave of the President, withdrawn :—

That for the words "and all amounts derived therefrom shall be devoted solely to the purposes of primary education, whether voluntary or compulsory, within the municipality" in lines 6 to 9 of sub-clause (1) of clause 17, the words "for the purpose" be substituted.

LIST OF BUSINESS—ITEM No. 25.

The Hon'ble Babu Akhil Chandra Datta moved that at the end of sub-clause (1) of clause 17 the following be added, namely :—

"provided that not less than 80 per cent. of the amounts so derived shall be devoted to compulsory primary education."

He said :—

"My Lord, after seeing the fate of the other amendments I think I would rather withdraw this amendment."

The motion was, by leave of the President, withdrawn.

LIST OF BUSINESS—ITEM No. 26.

The Hon'ble Rai Radha Charan Pal Bahadur moved that after the word "purpose" in line 3 of sub-clause (2) of clause 17 the following be inserted, namely :—

"and confirmed at a subsequent special meeting."

*The Bengal Primary Education Bill.**Babu S. C. Ray; Rai R. C. Pal Bahadur; Babu A. C. Mazumdar.*

He said :—

"My Lord, this is merely a formal amendment and what I want to do is to add the words 'and confirmed at a subsequent special meeting' after the word 'purpose' in line 3 of clause 17 (2). I think that is the usual procedure followed everywhere, and I hope it may be accepted by the hon'ble member in charge of the Bill."

The Hon'ble Babu Surendra Nath Ray said :—

"My Lord, I do not think that I can accept this amendment. It will amount to this—that the proceedings will have to be confirmed by a two-thirds majority. That being the case, I do not think I can accept this amendment."

The Hon'ble Rai Radha Charan Pal Bahadur said :—

"There is some misapprehension, my Lord : the two-thirds majority is not for the confirmation of a resolution : it is for the passing of a resolution that the two-thirds majority is proposed. It is not here in the Bill."

The motion was then put and lost.

LIST OF BUSINESS—ITEM No. 27.

The Hon'ble Rai Radha Charan Pal Bahadur moved that for the words "a majority of the total number of" in line 4 of sub-clause (2) of clause 17 the words "two-thirds of the" be substituted.

He said :—

"My Lord, in connection with the provisions in this section, my hon'ble friend, Kumar Shib Shekhareswar Ray, asked for a three-fourths majority of the Commissioners. That was not accepted in this House, but subsequently a suggestion was made, although there was no formal motion, that two-thirds majority might be substituted, and that was in the original Bill, and, as far as I remember, the hon'ble member in charge of the Bill said that if that was formally moved he was prepared to accept it. Following the hint that was given by him, I have given notice of this motion."

The Hon'ble Babu Surendra Nath Ray said :—

"My Lord, I have great pleasure in accepting this amendment."

The motion was then put and agreed to.

LIST OF BUSINESS—ITEM No. 28.

The Hon'ble Babu Ambika Charan Mazumdar moved that at the end of sub-clause (3) of clause 17 the following be added, namely :—

"and the cess so levied shall be a rate amounting to the sum required, after deducting the Government grant, the school receipts and the receipts from endowments and contributions, to meet the expenditure on primary education, together with ten per cent. above such sum to meet the collection charges and the probable losses due to non-realization from defaulters."

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He said :—

"My Lord, at an earlier stage of this Bill I tried to have an amendment accepted which purported to lay down certain principles to indicate the incidence of taxation. That was lost. Here I beg to move that there ought to be some indication as to the amount which should actually be levied from the rate-payers. Now it may be argued that in an earlier clause we have it laid down that no portion of the education cess shall be spent on any other matter. My Lord, if I could have persuaded myself to think that this clause is quite sufficient to safeguard the interests of primary education, I would not feel myself pressed to move this amendment, but unfortunately I am not so inclined to think. There are provisions of this nature in other enactments. In the Local Self-Government Act and in the Road Cess Act there are provisions that the road cess should be used for the purpose of improving communications within the district, and yet we know that for many many years the road cess was diverted to other purposes. In the present Bengal Municipal Act there is a section which says that the latrine rate levied under Part IX of the Bengal Municipal Act cannot be used for any purpose except that of improving the conservancy. But in spite of that we know that many municipalities are guilty of having diverted a portion of this rate to other purposes. Therefore, I think that besides the provision which we have already got in this Bill, viz., that the education cess shall not be spent for any other purpose, some other safeguard is necessary, and therefore I want to have it laid down that the cess levied shall be the amount required, after deducting the Government grant, the school receipts, contributions and endowments, to meet the expenditure on primary education, *plus* 10 per cent. to meet the collection charges and the probable losses due to non-realization from defaulters. This would sufficiently safeguard the interest of primary education, because if we proceed on these lines there will be very little left to be diverted to any other purpose.

My Lord, in framing this amendment I take my stand upon a similar provision made in Sir Henry Wheeler's Village Self-Government Bill. There also the same safeguard has been taken. There it has been said that the amount levied must be the residue of what is required for the purposes of union boards and so forth, after deducting the Government grant and other things, and in this case also I propose the same safeguard. In clause 17(3) it is laid down that the education cess shall be levied according to the rules framed by Government and what my amendment seeks to do is to add that the cess so levied shall be a rate amounting only to the sum required, after deducting the Government grant, the school receipts, endowments and contributions, if any, to meet the expenditure on primary education, together with a sum of 10 *per cent.* to meet the collection charges and the probable losses due to non-realization from defaulters. So that we shall have a consolidated amount required exactly for primary education which it will not be possible for any municipality to divert to any other purpose. I have said that I have taken this from another cognate subject and I believe it will meet with the acceptance of the Council."

The Hon'ble Babu Surendra Nath Ray said :—

"My Lord, I accept this amendment."

The motion was then put and agreed to.

LIST OF BUSINESS—ITEM No. 29.

The Hon'ble Babu Ambika Charan Mazumdar also moved that after the word "inspection" in line 4 of clause 19 the words "free of any charge" be inserted.

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He said :—

"My Lord, this is a very simple thing. It is laid down in this clause that the schools shall be subject to inspection by officers of the Education Department. We welcome their assistance, but it should be free of any charge. If the municipalities have to contribute it will be an additional burden to them as well as to the rate-payers. I think Government officers who will inspect will only be too glad to inspect them free of charge."

The Hon'ble Babu Surendra Nath Ray said :—

"My Lord, I accept this amendment."

The Hon'ble Mr. O'Malley said :—

"My Lord, I may explain that the inspecting officers of the department do not charge for inspecting private schools and there is no intention on the part of Government that they should charge for it. The amendment argues, if I am permitted to say, a certain misconstruction of the intention of Government. The idea seems to be that it is possible that Government may charge for such inspection, but as there is no such intention Government will have no objection to accepting the amendment."

The motion was then put and agreed to.

LIST OF BUSINESS—ITEM No. 30.

The following motion which stood in the name of the HON'BLE BABU AMBICA CHARAN MAZUMDAR being covered by the debate on items Nos. 5 and 6 was held to be withdrawn:—

"That after the words "Education Department" in lines 4 and 5 of clause 19 the words "or the Education Board, if any," be inserted.

LIST OF BUSINESS—ITEM No. 31.

The following motion stood in the name of the Hon'ble RAT RADHA CHARAN PAL BAHADUR namely :—

That after clause 21 the following be inserted, namely :—

- "22. The Local Government may delegate their powers and duties under this Act to a Board of Education which may be constituted for the control and guidance of primary education."

The President said :—

"The Council decided this morning that the question of Education Board should not be introduced in the Bill. The new clause proposes to do what the Hon'ble Babu Ambika Charan Mazumdar proposed to do by an amendment to an earlier clause. The Council has already come to a decision on that point, and unless the hon'ble member can show me that the object of his new clause is different to the object of the amendment which has already been disposed of, it will not be in order for him to move it."

*The Bengal Primary Education Bill.**Rai R. C. Pal Bahadur ; The President ; Babu S. N. Ray.***The Hon'ble Rai Radha Charan Pal Bahadur** said :—

"I may be permitted to explain, my Lord, that this is a different amendment. The amendment of the Hon'ble Babu Ambika Charan Mazumdar was to substitute 'Education Board' for 'Education Department' but here this is a new clause to empower the Local Government to delegate their powers and duties to a Board of Education which may be constituted for the direction and control of primary education."

The President said :—

"That is precisely the same proposal that was made by the Hon'ble Babu Ambika Charan Mazumdar. If the hon'ble member will look back to item No 5 on the agenda paper, he will see that that amendment was to insert after the words 'Education Department' the words 'or the Education Board, if any'. That seems to me to be precisely the same proposal that the hon'ble member now wishes to make."

The Hon'ble Rai Radha Charan Pal Bahadur said :—

"I respectfully submit to your Excellency's ruling."

LIST OF BUSINESS—ITEM No. 32.

The following motion, which stood in the name of the Hon'ble Babu Surendra Nath Ray, was not made as no amendments were carried in Council necessitating any renumbering namely :—

"That the Secretary be directed to renumber the clauses and sub-clauses of the Bill in consecutive order and to make corresponding alterations in all cross-references thereto."

LIST OF BUSINESS—ITEM No. 33.

The Hon'ble Babu Surendra Nath Ray moved that the Bill as amended by the Council on the 18th and 19th February, 1919, and as settled by the Council on the 27th March, 1919, be passed.

He said :—

"My Lord, I am grateful to your lordship for the kind reference to my work in this connection in the Social Service Exhibition at Dacca. I have always been a believer in the great future that is before us and I sincerely believe that the salvation of India will be by the spread of education, by the development of its industries, and by a more perfect system of sanitation. For centuries the country was immersed in Cimmerian darkness, without hope, without light, till the sun of western culture and western civilisation began to dispel the gloom. All this we owe to British administration. But the work has not finished. I would say that the real work of regeneration has only begun, and it is the duty of Government to crown it with success. I need not repeat what I have already said that without substantial aid from Government this measure of primary education, whether it be on a voluntary or on a compulsory basis, will be unsuccessful. If the objects aimed at in fostering elementary education are the provision of facilities within easy reach of every child and the continuation of the child's education to the stage at which he may be regarded as permanently literate, Government help is essential. In the Seventh Quinquennial Review of the Progress of Education

*Resolutions.**Mr. P. C. Mitter.*

in India, 1912-17, just published by the Government of India, it is admitted that it is unlikely that the local rates, even if boards elect substantially to enhance their taxation, will suffice unless supplemented by Government funds.

My Lord, in your own country the movement towards popular education received a great impulse from the Educational Conference held in 1857 under the presidency of Prince Consort, and culminated in a statute in 1870 by which it was enacted that there shall be provided for every school district a sufficient amount of accommodation in public elementary schools available for all the children resident in such district, for whose elementary education sufficient and suitable provision is not otherwise made. Whether the present Bill when passed into law will have the same effect in this country as the Act of 1870 in England is yet to be seen. All I can say is that the people of this country appreciate the enlightenment of education more than anything else, but if they are unable to pay for such education, it is entirely due to their extreme poverty. What President Jefferson said more than a hundred years ago, is true for all time. 'I look,' he said, 'to the diffusion of light and education as the resources most to be relied on for ameliorating the condition, promoting the virtue, and advancing the happiness of men and I do hope, in the present spirit of extending to the great mass of mankind the blessings of instruction, I see a great prospect of great advancement in the happiness of the human race and this may proceed to an indefinite although not an infinite degree.' I am sure, my Lord, that these words will find an echo in every heart that is animated with the desire of promoting and advancing the peace and happiness of individuals and through them of nations."

The motion was put and agreed to.

LIST OF BUSINESS—ITEM No. 34.**RESOLUTIONS.**

(Under the rules for the discussion of matters of general public interest.)

The following resolution stood in the name of the **Hon'ble Mr. Provash Chunder Mitter** :—

This Council recommends to the Governor in Council that inquiries be made in the year 1919-20 with a view to establish more medical schools in the province beginning from the year 1920-21.

He said :—"The Council will remember that at the last sitting this question was discussed thoroughly and the Hon'ble Sir Henry Wheeler, on behalf, assured the Council that the object of this resolution would receive sympathetic consideration at the hands of Government. That being so, my Lord, I would ask your Excellency's permission to withdraw it."

The resolution was, by leave of the President, withdrawn.

LIST OF BUSINESS—ITEM No. 35.

The **Hon'ble Mr. Provash Chunder Mitter** moved the following resolution :—

This Council recommends to the Governor in Council that investigations be made during the year 1919-20 in order to ascertain the possibilities of increasing the income of the Government of Bengal by the development of the natural resources of the Province.

*Resolutions.**Mr. P. C. Mitter.*

He said :—

"My Lord, before I go into the merits of this resolution, I desire to offer certain preliminary remarks. In the first place I should like to preface my remarks by saying that I do not intend to deal with the possibilities of increasing the income of Government by the development of the natural resources of the Province exhaustively. I would leave it to Government to find out by proper enquiries and investigations the various points on which such increase may be possible. My principal object in bringing forward this resolution is to draw the attention of Government to the possibilities; but my knowledge is necessarily limited. I daresay the Government, with the knowledge and opportunities at their disposal, will be able to investigate the matter thoroughly. The second point which I should like to state at the outset is this :—I do not intend that Government should trench upon vested rights or vested interests. The last preliminary remark that I desire to make is that in view of the necessities of education, sanitation and various other things which will be necessary in the near future for the Government to undertake and in view also of the increased expenses which the reforms are sure to entail, it is necessary to find out how far the income of the State can be increased without additional taxation. The question of additional taxation ought to come after we have exhausted these possibilities. At any rate these possibilities ought to be enquired into fully. My Lord, with these preliminary remarks as I shall proceed to make some definite suggestions but shall confine my remarks on the following heads :—*first* as to the possibilities of increasing our resources by the development of our forests; *secondly*, as to the possibilities of increasing our resources by the development of our fisheries and, lastly, the possibilities of increasing our resources by the development of the cinchona estates of the Government.

As regards forests, my lord, your Excellency's Government knows very well that there are 6,813,367 acres of forest area in Bengal or in other words, 10,630 square miles of forest area. This means that about 13 per cent. of the total area of the Province of Bengal is forest land. The actual net income from this large area is a little over 6 lakhs of rupees or little over 1 anna 4 pies per square acre. These figures show that the income derived from the forest area in Bengal is low considering the demands of the population. It is hardly necessary for me to point out that in trying to get an increased income from forest areas the future must be kept in view. It is essential to preserve the forests with an eye to the future, but paying all possible attention to the necessities of forest preservation, I believe enquiries properly conducted will show that our forests in Bengal are capable of yielding much larger revenue. I believe a fair improvement in revenue as well as conservation are only possible if more money be available for the development and conservation of forest. I have no doubt the Government in the past was fully alive to a general sense of necessities of this department, but the Government had so many important calls on their finance that it was perhaps difficult for the Government in the past to have undertaken a constructive programme for the development of our forest resources. With these general observations I proceed to indicate some special suggestions regarding points of enquiry.

Of the ten thousand and odd square miles only about 4,800 square miles are reserved forest. The Chittagong Hill Tracts consisting of about 4,000 square miles is still an unclassified State forest. I believe enquiries will show, and so far as my information goes it is admitted by the department, that the Chittagong Hill Tracts consist of a very valuable forest area. If this area is properly surveyed from the point of view of forest officials and if this area be protected and facilities of transport are provided for, I believe improvements in revenue will follow. Besides, this unclassified forest area of 4,000 and

*Resolutions.**Mr. P. C. Mitter.*

odd square miles we have still more than 1,700 square miles of protected forest, bulk of which is in the Sundarbans. With regard to all classes of forest areas, reserved, protected or unclassified, facilities of transport and suitable increase in the staff of forest officials is likely to result in improved finances. I do not know if it will be possible for our Provincial Government to provide money for these purposes. If money be not available from the Provincial Budget, even if money has to be borrowed or otherwise arranged for from the Imperial Government and even if some reasonable interest were to be paid on the amount so borrowed, I believe enquiries will show that the future revenue from forest areas will increase by a very fair amount. Bengal is a thickly populated Province and with proper facilities of transport and with better organisation forest produce are likely to sell more advantageously than at present. In my suggested enquiry the possibilities of utilising hydro-electric power may also be kept in view. A careful survey of forest produce, including medicinal and other useful plants to be found in our forest and a more thorough publication of the results of such surveys are likely to produce better results. Without enquiries it is not possible to say what sums can be usefully spent in improving facilities for transport and providing for better survey. If I assume merely by way of illustration that 50 lakhs will be necessary, the interest on that sum will be less than 3 lakhs a year. I am sure the increased revenue will be several times 3 lakhs. The total area of the reserved forest (if Chittagong Hill Tracts be surveyed and reserved) will be very nearly double and under ordinary circumstances the income also will be very nearly double. The gross income is about 12 lakhs. Of course from this gross income something ought to be deducted for increased expenditure. Facilities of transport will also produce increased income. I should not be surprised that if half-a-crore of rupees be laid on the lines indicated above, our future net forest revenue will be somewhere between 20 to 30 lakhs instead of 6 lakhs as at present.

Bengal abounds in rivers and estuaries. I am aware that most of the smaller rivers and a good portion of the bigger rivers in their upper-reaches form part of permanent-settled estates, but the estuarine portions of our big and small rivers contain very valuable fisheries which at the present moment yield very little to the Government, partly because of want of facilities of transport and partly because of want of organisation. The Sundarbans alone cover an area of about 5,700 square miles. Comparison of price of fish in the estuarine fisheries of Sundarbans with the Calcutta market will show that the difference in price is very great indeed. Enquiries may be instituted as to whether facilities of transport or establishment of stations for buying and preserving fish will produce better results. The general position is such that with proper investigations and with proper organisation money laid out in developing fisheries in rivers and estuaries which belong to the Government will produce very satisfactory results. As in the case of forest so in the case of fisheries it may be necessary to spend a fairly large sum of money, say between quarter to half-a-crore of rupees and that money can only be available to our Provincial Government by a loan from the Imperial Government, yet that money if properly laid out is sure to bring in a large revenue in the future. Enquiries may also be made about the establishment of refrigerating plants specially in the estuarine Sundarban areas where salt water is easily available. I do not suggest that the Government should enter into the fishery trade, but what I say is that the Government should take proper steps to increase the value of its fishery estates, and if suitable steps are taken I believe the Government will get a large income from the rivers which belong to the Government.

Cinchona cultivation brings in an appreciable income to Bengal. Paragraph 7 at page 3 of the Report of the Government Cinchona Plantations and Factory in Bengal (1917-18) will show that the total receipts amounted to over

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20 lakhs and paragraph 8 will show that the value of the stock is over 18 lakhs. Of course this income was above the ordinary and was largely due to war conditions, but the average income in ordinary times is not negligible, considering that the net provincial income is only a little over 6 crores of rupees. The answer given by Hon'ble Mr. McAlpin, No. 36, page 276 of the *Calcutta Gazette* of 12th December 1918, will show that cinchona plantation has been further extended. The income from cinchona will therefore be higher in the near future. To a malaria-ridden province like Bengal cinchona cultivation is of special importance. I am aware that it is asserted that no further land is available for extension of cinchona cultivation. The opinion of those who assert this are entitled to great weight, but I would appeal to the hon'ble members of the Government to consider the following points:—The present area of the two plantations in the district of Darjeeling is comparatively small. The Mungpoo Plantations (in two divisions) contain less than 500 acres and the Munsong Plantations (in four divisions) contain only about 2,100 acres. Most of these divisions consist only of a few square acres of land. The extension by a few more square acres will mean a considerable increase in the total area. Is it possible that land which is suitable for cinchona up to a particular point will suddenly become unsuitable say 100 yards beyond that point? Further, is it likely that these few square acres spread over six divisions are the only favoured spots in the district of Darjeeling where cinchona can be grown? 2,500 square acres mean only about 4 square miles. These 4 square miles are again divided into six divisions. If it were possible to extend cinchona cultivation from 4 square miles to say 20 to 25 square miles in various divisions, then the income from this head alone will perhaps be more than half-a-crore of rupees.

I have only indicated certain points which have struck me. I would suggest that the Government should frame certain definite questions on my resolution and circulate the same to its own officers in the various districts and to selected men all over the Province. Such other enquiries as the Government deems suitable should also be made. But above all, what is most necessary is that the result of the enquiries should be properly utilised."

The Hon'ble Sir Henry Wheeler said:—

"My Lord, a resolution of this kind is naturally one which appeals to the cupidity of the Finance Department, and I have not the slightest objection to accepting it; but in so doing, I would like to safeguard myself from the possible charge hereafter that I have given the impression that the Finance Department will be able to work miracles or discover *El Dorados* which have hitherto been withheld from our ken. That I do not think is likely; and I do not wish it to be thought that there is a probability of our entering upon a *régime* of affluence, sufficient to supply not only our present, but our increasing, needs without the inconvenient necessity of encroaching in any way upon the pockets of the tax-payer. So golden a future is not likely to be realised; but in so far as the resolution asks us to make investigations and enquiries, I shall be glad to enquire into the three specific points which the hon'ble member has brought forward and into any others which may suggest themselves to anyone else. Of course, it can be said, and it can be said accurately, that the resolution is only asking us to do what we already do. There was a time when the whole revenues of India were more or less centralised in the Government of India: the local Governments had no independent power of expenditure and had to go up to the Government of India for everything which they wished to do. At that time it might have been said that it did not much matter to the local Government what happened to its natural resources, but that system broke down in the course of the development of the country, to be replaced by our present financial system which,

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in brief, rests on the devolution of certain functions to local Governments by the Government of India along with various fixed assignments of revenue and assignments of heads of growing revenue, either in whole or part, from which these functions are financed : and although in the days of the quinquennial settlements it might still have been said that the interest of the local Government in husbanding its resources was blunted by the fact that it was apt to lose the benefits of economies and developments on the occasion of the next re-settlement, yet that also is no longer true now that we have quasi-permanent, and, finally, more or less permanent settlements of revenue as between the provinces and the Government of India. So it has for some time past been to the interest of a provincial Government to develop its heads of revenue, since to the extent that it shows diligence in so doing it adds to its profits, and I think I may claim that the point has received attention from our predecessors in this province as elsewhere. In connection with the Commercial Departments of Government such as Forests, etc., hon'ble members must have seen constant references in resolutions, etc., to the desirability of Government deriving from its properties the utmost profit which is legitimately due to it, and the success and efficiency of the head of the department is judged, among other considerations, by the extent to which he is able to achieve that result. But, as I have said, I am perfectly willing to examine any directions in which *prima facie* there may be possibility of doing more.

It may also be said that to some extent a resolution of this kind is at the present moment premature, in so far as our financial future is in a state of some uncertainty. I have outlined the scheme of financial settlements by which we have hitherto been governed, but, as we all know, the Reforms Scheme has foreshadowed a definite separation of revenue as between Imperial and Provincial, under which we shall be given various definite heads and more extended powers of taxation ; but as we stand to-day, we do not exactly know what the details of that division will be, or what our precise powers of taxation will be ; and it can, therefore, be argued that it is useless to enter upon a detailed examination of what the resources of the province may in future years produce.

I think both these criticisms are valid to some extent, *namely*, that the resolution is not asking us to do anything particularly new, while it is asking us to make detailed enquiries which are complicated by the uncertainty of the financial future ; but I do not wish to ride off the resolution on these two grounds, and we will do our best to meet the wishes of the hon'ble member, within the limitations to which I have already made reference. When the hon'ble member suggests to us in the Finance Department that without encroaching on vested rights and vested interests, and without resort to taxation, we should increase the income of the State, I cannot but think that he is setting us a task which the boldest financier in the world would be rather shy of accepting. I do not see any prospect of the financial needs of this province being met in the future—assuming that it is the wish of the province to advance on more rapid lines in certain directions than has been the case in the past—if the two limitations of the hon'ble member are insisted upon. However, for our present purposes, we accept them ; and I do not understand him to be offering his resolution as a final solution of our financial difficulties. In fact, he himself restricts it by the reference to the development of natural resources only, and he has practically restricted it still further by mentioning only the three heads of Forests, Fisheries and Cinchona. On these three detailed points, my friend the Hon'ble Mr. Cumming, in whose department they particularly fall, will have some remarks to make, and I will not anticipate him beyond saying that I doubt whether any of the three is of great financial importance except that of

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Forests. Even in respect of Forests when we look at the figures as reproduced in the budget we find that we derived in the past the following gross revenue, viz.: Rs. 11 lakhs in 1915-16, Rs. 13 lakhs in 1916-17, Rs. 13½ lakhs in 1917-18 and Rs. 18 lakhs in the Revised Estimate of 1918-19 due, of course, largely to the war, the end of which is reflected in the fall in the budget of the current year to Rs. 16 lakhs. When we look at these figures, we cannot but feel that there is a long long trail before us before we get anything like the Rs. 20 or 30 lakhs of net revenue which the Hon'ble Member has foreshadowed. But we will hear from Mr. Cumming what has been done in the past, and if there is any prospect of doing more in the future we will attempt it.

Apart from the three heads mentioned by the Hon'ble Member, I do not know what he would regard as coming within the definition of natural resources. Thus, Land Revenue is a natural resource, though I daresay the Hon'ble Member would at once tell me that its discussion trespassed upon vested interests. Stamps is not, I suppose, a natural resource: Excise might be argued to be so, though I fancy that other Hon'ble Members would tell me that our progress under Excise is already sufficiently rapid to satisfy even the most rapacious Finance Member. Income-tax is certainly not a natural resource, neither are Registration, and Law and Justice. Jail manufactures might be argued to be so; as also the resources of our Ports, yet we know the demands for expenditure on our Ports are likely to exceed in the immediate future any increased receipts which they may bring in. Apart from that there is the Miscellaneous head, under which Fisheries and Cinchona fall, and we have Public Works, covering our irrigation canals and navigable channels. I believe schemes are already being elaborated for the further improvement and utilization of our water-ways, which will bring in a larger income, but we can direct the attention of the Public Works Department to them and examine what they have to say. But I rather wish the Hon'ble Member could give us more light as a guide to our enquiries. When the stage conjurer produces an unlimited quantity of paper from a hat or a rabbit from his left boot, we may be fairly certain that he put it there beforehand while the attention of the spectators was otherwise engaged. I rather feel that the Hon'ble Mr. Mitter is handing me a hat without placing many things in it or even telling me where I can find them, whereas he expects me to produce abundant gifts for the amazement of the audience. However, we will do our best and will try to work out these and any further suggestions that any other Hon'ble Member may wish to offer us."

The Hon'ble Mr. Cumming said :—

"My Lord, the financial aspect of the resolution of the Hon'ble Mr. P. C. Mitter has been dealt with by my hon'ble colleague, Sir Henry Wheeler, but it would perhaps be convenient if I were now to place before the Council some information regarding the economic aspect. The subjects which were particularly mentioned were Forests, Fisheries and Cinchona, and with these I am the more directly connected. I may say at the outset that we welcome the ventilation of suggestions of this kind; but I hope I may be able to show that in all these three cases Government have to a considerable extent anticipated the enquiries for which the Hon'ble Member has asked.

As regards the first subject of Forests, no doubt the Hon'ble Member's main proposition can be accepted by every one, namely, that by increased and prudent expenditure there would be remunerative results. That has been said by many great men who knew the resources of India with reference to India's forest assets; and last year I had occasion to draw attention to the matter. The Hon'ble Member has pointed out in particular that in Bengal by increased facilities of transport and by increase of staff some effective results might be obtained. But one thing must be remembered in

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this connection. The Forest Department in India is after all not a very old department, and its primary object has been the conservation of forests. Indeed, the very terms we use in the department indicate this. The Head of the Department is called Conservator and his officers are called Deputy Conservators and Assistant Conservators. But at the same time Government now-a-days cannot but be alive to the necessity of systematic and prudent exploitation coincidently with conservation. There are many difficulties, first of money, and then of men: during the last few years, the cadre in the department has been depleted. Nevertheless, we have been able to do something definite. During last year we made one very important enquiry; and we made two very important appointments. The enquiry was to the following effect,—to enquire into the trade requirements of forest products and the possibility of supplying them; and was made in direct consultation with the Director of Industries. The gentleman, who was appointed to make that enquiry, was a very competent officer, who had experience of what has been done in America; and he furnished Government with an excellent set of suggestions. Those suggestions have been followed up by the appointment of an officer under the title of *Forest Utilization Officer* who has to work in direct co-operation with our Director of Industries. I need not elaborate what the special duties of this officer are, but they include the marketing of timbers and the examination of the special needs of industries that require wood. Quite apart from timber the work of the officer includes the examination of tan-stuffs and the question of the supply of material for the manufacture of paper. That, Sir, is a very important appointment. We have followed the example of the United Provinces Government and we have obtained a very suitable officer for the purpose. There has also been another appointment. The Hon'ble Mover has drawn attention to the Chittagong Hill Tracts. In that area an officer has been specially appointed as a *Working Plan Officer* for the commercial development of that area. He will make a survey of the nature which the Hon'ble Member has mentioned; and his duties will include the exploitation of the local timbers and of such forest products as are found there, such as bamboo and grass. Therefore, I suggest that, to a considerable extent, Government have anticipated the Hon'ble Member in making these enquiries; but I do not for a moment suggest that that is everything or that Government will now become supine. He may take it that we are alive to the commercial possibilities of our forests in addition to our duties as conservators.

The next subject on which I may shortly dilate is Fisheries. Here the prospects are not so good, and possibly there is some misapprehension on the point. The Hon'ble Member has drawn attention to Government fishery leases; but the amount of money that Government derive from fisheries in this province is comparatively small. For half a century—I have studied the papers as far as 1860—Government have endeavoured to assert the rights which they had lost, or to which they thought they were entitled. Let me explain very shortly that after all Government cannot own very much in the way of fisheries. In the inland tracts, fisheries are the property principally of zemindars under the Permanent Settlement. In the Bay of Bengal outside the 3-mile limit, the fisheries belong to the world. In tidal waters fisheries are the property of the public, but Government are the trustees of the public. I have found that the cases in which Government can or should re-assert its ownership are comparatively few and that the subject is a very difficult one. Quite recently, however, a fresh enquiry in the matter has been instituted. What the results may be I cannot at present say; but, from what I have said, it will be gathered that Government are alive to the possibility of expanding their revenue under this head. As regards the fisheries which are leased by Government,—technically called *ialkars*,—definite instructions were given

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in 1916. When any of these leases come to an end there is to be a reconsideration ;—(i) as to whether they should be placed in the hands of the Department of Fisheries, (ii) as to whether particular fisheries should be placed in the hands of Co-operative Societies ; and (iii) as to whether the lease should contain new and more drastic terms. I find that my predecessor, the Hon'ble Sir Nicholas Beatson Bell, recorded—and I am fully in agreement with him—that the object of Government throughout has not been so much the increase of revenue under this head, to which the Hon'ble Member is directing our attention to-day, as the protection of fish, that is to say, the protection of fish in the close season and the prevention of the improper destruction of fry, and also the protection of fishermen who are undoubtedly oppressed by the middlemen in this province. So much for fisheries.

As regards Cinchona, the prospects are still less attractive. It is true as the Hon'ble Member has said that, here in Bengal with its vast area, the total area under cinchona is roughly 4 square miles in two plantations in the Darjeeling district. He may take it from me that, if there had been any opportunity of making any great increase in revenue from this source, action would have been taken before now. He says—is it not possible to extend the cultivation beyond the few favoured spots where it is cultivated at present? I have visited the Sarail Cinchona estate in Bengal ; and can give an answer. Cinchona is undoubtedly a very difficult plant to cultivate. It requires a special combination of soil, altitude, temperature, aspect and rainfall ; and our expert, who is recognized as an expert authority not only in this country but in other countries, advises us that opportunities for extension in the Darjeeling district are extremely few. Hence the increase of revenue, to which the Hon'ble Member looks forward under this head, is very small indeed. In accordance with the instructions of the Government of India issued two years ago, a very elaborate investigation was made in every part of India and Burma where cinchona could possibly be grown. The results of that investigation are at present before the Government of India ; and we await the final decision of the Imperial Government on the subject.

Therefore, my Lord, with reference to the three points which the Hon'ble Member has mentioned in particular, I may say that as regards Forests there is undoubtedly a possibility of some increase of revenue. Under the head Fisheries, there is a possibility of a small increase of revenue, and as regards Cinchona there is practically no possibility.

As regards the other heads, to which Sir Henry Wheeler has drawn attention, I need perhaps mention only the head of the improvement of our water-ways, especially on the main route between Eastern Bengal and Western Bengal. The Madaripur Bhil route has proved wonderfully successful ; it is likely to give us a remunerative return for our money, and by expenditure of more money we hope to get a still larger return. I suggest that this is a development of our natural resources which will give an increase of revenue to the province ; but, as regards the other three heads, I have already stated what the existing facts are and have shown that we have, to some extent, anticipated the Hon'ble Member in his desire for an enquiry."

The Hon'ble Mr. P. C. Mitter said :—

" I am thankful to the Hon'ble Members who have replied on behalf of Government for their sympathetic reply and for the acceptance of my resolution. My Lord, it is admitted that the appointment of a special officer has been productive of very good results. That proves that there existed a considerable field for improvement in this direction during the last half a century or so. But that no steps towards that direction were taken until very recently. This shows that improvements were possible though not undertaken for a considerable time. In spite of the Hon'ble Mr. Cumming's

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assurance, I venture to express my doubt that the income under "Forests" has reached its maximum limit. There is room for further improvement. If the reserve area is more than doubled, and that doubling includes valuable forests, then there is every likelihood of the income being increased to Rs. 20 or 30 lakhs. The Hon'ble Mr. Cumming has given us certain figures. These figures undoubtedly show that the forest income has increased in the past and is capable of further increase, though it is a fact that the increase in recent years is due more on account of the war than for any other normal reason. But if we take the figures back to a long series of years, we find that there had been no such increase in past years. I may, however, again point out that the forests in the Chittagong Hill Tracts are a possible source of increased income specially as these areas are within easy reach of the port of Chittagong. The present income from these tracts is smaller as compared with those derived from Jalpaiguri, Darjeeling and other places.

As regards fisheries, it is quite true that a considerable number of fisheries are private properties. The Hon'ble Mr. Cumming has said that he has looked up the papers from 1860 down to the present time and he has found that there is very little chance of increasing the income under this head as most of the inland fisheries are private properties. But I would point out that the income can be increased at least so far as Sunderbans are concerned; which are *khas mahal* properties of Government which are generally settled on 40 years lease. There are a large number of creeks in Sunderbans which are certainly Government properties where fish grows in abundance and a good income can be derived therefrom. We all know that the price of fish has risen considerably of late. The difference in the price of fish in town and in rural areas is great. Income can be increased by offering increased facilities for preserving fish. I never said nor do I say now that I have discovered something very new nor did I hold out hopes to the Hon'ble Finance Member of an *El Dorado* from which the needs of my province will all be met. But even the addition of a few lakhs to our existing income will be welcome. I have not blamed Government or anybody else for not taking steps in this direction in the past, but I suggest that inquiries in these matters, specially on scientific lines, will prove helpful. I am thankful to Government for accepting my resolution."

The resolution was then put and agreed to.

LIST OF BUSINESS—ITEM No. 36.

The Hon'ble Maulvi Abul Kasem moved the following resolution :—

This Council recommends to the Governor in Council that proper steps be taken against the person or persons responsible for the publication in the *Epiphany* newspaper of the 18th January, 1919, of the unwarrantable attack on the character of the prophet of Islam.

He said :—

"My Lord, it was with very great reluctance that I gave notice of this resolution, but I did it in obedience to the wishes of my constituents. But I am glad to say that the action taken in regard to the publication 'Prophet of Islam' has satisfied the Muhammadan community and has served the purpose for which I gave notice of this resolution. I, therefore, beg with your Excellency's permission to withdraw this resolution."

The resolution was then, by leave of the President, withdrawn.

*Resolutions.**Maulvi Abul Kasem; Mr. P. C. Mitter.***LIST OF BUSINESS—ITEMS Nos. 37 AND 38.****The Hon'ble Maulvi Abul Kasem** also moved the following resolution :—

This Council recommends to the Governor in Council that steps be taken to establish a Polytechnic College at Calcutta at an early date.

The Hon'ble Mr. Provash Chunder Mitter moved, by way of amendment, that in the resolution (item No. 37) moved by the Hon'ble Maulvi Abul Kasem, for the words "establish a Polytechnic College at Calcutta at an early date" the following shall be substituted :—

further as early as possible technical education at Calcutta and elsewhere in Bengal on the lines indicated in the Report of the Indian Industrial Commission, 1916-18.

The Hon'ble Maulvi Abul Kasem said :—

"My Lord, at the very outset I desire to state that I gladly accept the amendment of which notice has been given by my hon'ble friend, Mr. P. C. Mitter. It moves on the line of least resistance and it serves the purpose which I had in view when I gave notice of this resolution equally well. I think I would not be justified in taking up the time of this Council by making a speech on this resolution. The object is well known—we want to give our boys industrial education. We have just accepted a resolution to the effect that we should investigate the resources of the country, and in order to make that investigation successful or to make the resources of the country useful, we must train our young men. And the best course is to start technical and industrial schools all over the province. A great Commission sat over the question and they have made certain recommendations. No doubt the Government have not yet considered the recommendations of that Commission as a whole. But I am sorry to say, my Lord, that Government move rather too cautiously and too slowly in this matter. And the object which I had in view in giving notice of this resolution was to make the pace a little quicker. The matter is very urgent and I think it would not admit of any further delay. More avenues of employment would be open to our young men and it will result in greater benefit politically and economically than anything else. Government will find this if they accept the amended motion which is now placed before the Council. With these words, my Lord, I commend this resolution to the acceptance of the Council."

The Hon'ble Mr. P. C. Mitter said :—

"My Lord, I expected that my hon'ble friend, the mover of the resolution, would go into the matter more fully and I would have confined myself to the point raised by my amendment. But I am afraid he has not done so. However, I shall try to do justice to the amendment as it stands. At the outset I desire to say that I have taken care to make this recommendation in a limited form, namely, that further facilities for technical education should be provided in Calcutta and elsewhere in Bengal. I have limited it in that way because I know that the recommendations of the Industrial Commission have not yet been finally considered and the Government of India have not yet finally decided in what way these recommendations are to be given effect to. My Lord, the Industrial Commission have made various suggestions, some of which have already been given effect to by your Excellency's Government, e.g., the one about the training of our young men in the railway workshop at Kanchrapara as I believe provision has already been made in that direction. My Lord, the Industrial Commission have clearly indicated the different lines along which technical education is to proceed. I do not think

*Resolutions.**Maharajadhiraja Bahadur of Burdwan.*

it is necessary for me to go into the question of those recommendations in detail. But about the general necessity of providing for better facilities of industrial and technical education there can be no question, and I hope your Excellency's Government will admit that such a necessity exists. Seventy-five per cent. of our raw materials go not to Great Britain—the country with which we are so intimately connected—but to non-British countries and countries absolutely outside the British Empire. Now, if our British non-official friends here, some of whom have in the past helped in developing Indian resources, were to attempt to turn the raw materials which go to non-British countries into finished commodities and even if they were to try their best, I make bold to say that, without training Indians in industrial and manufacturing lines, they will never succeed in their attempt. At the present moment, speaking only of my own province of Bengal, we have about 14,000 Britishers here. Out of this number about 11,000 are concerned with public services as administrators, policemen, or as sailors, professional men, and so on, and the vast work of the development of a province like Bengal is in the hands of about three thousand persons, as only about that number is concerned with trade, commerce and manufactures. The task is too heavy. There are various difficulties in bringing out experts from Great Britain. Some of these difficulties have been pointed out in the report of the Industrial Commission. The raw materials available here can now be turned to finished commodities so as to compete successfully in price with other countries if we were to depend on British experts only. We require the best British experts and experts from other countries as well, but if we require them we also require properly trained Indians along with them. Educational developments on these lines will also solve various political problems and will create better feeling between Britishers and Indians. When people meet each other in common work they get to know each other. The Indians will realize that the Britishers are not so bad after all and the Britishers also will realize when they come in closer contact with Indians that they are better than what they thought them to be. I hope your Excellency's Government will agree as to the general desirability of pushing forward with the work of providing better facilities for instruction in railway workshops and in existing technical and industrial institutions, such as Sibpur College, and this I hope your Excellency's Government can do even without waiting for the final decision of the Government of India. I hope also that steps will be taken for providing better facilities in industrial and technical education."

The Hon'ble Maharajadhiraja Bahadur of Burdwan said :—

"My Lord, my task has been somewhat simplified by the Hon'ble Maulvi Abul Kasem throwing the onus of moving the subject-matter of the resolution on the Hon'ble Mr. P. C. Mitter, and the Hon'ble Mr. Mitter taking a line quite different from what I must candidly confess I was prepared for. I thought that a strenuous fight would be put up, that Government had neglected Calcutta badly regarding the establishment of a Polytechnic Institute in Calcutta; but evidently the Hon'ble Maulvi Sahib's love for Calcutta is not so great and in consequence we have been let off lightly. My Lord, although the Hon'ble Mr. Mitter's resolution is of a general kind, and I may say at once that the Government will be pleased to accept the resolution, I do think, however, that as this matter of a polytechnic institute for Calcutta is of importance to Calcutta itself and that as it has been the subject of a recent debate in the Calcutta Corporation, I should, therefore, say a few words regarding the proposal of a Technological Institute in Calcutta; for, I think, those who are interested in the development of industrial education in this city would like to know that Government has not been entirely unmindful on this important project. It might be in the recollection of members, not

*Resolutions.**Maharajadhiraj Bahadur of Burdwan.*

only of the present Council, but of the past, and of gentlemen interested in the proposal for the furtherance of industrial and technical education in the province, that two committees were formed some years ago to go into the whole question of a Technological Institute in Calcutta; and, at that time, I may say the Committees were rather under the delusion that the Government of India under Lord Hardinge having left Calcutta post-haste after the Delhi Reforms and the announcement of the Delhi move, some of the Imperial buildings would be available, and that it would be possible to accommodate such an Institute in one of these vacated buildings. The result was that estimates were prepared and the cost of construction was put down at a considerably modest figure. In fact, it was thought that no great expenditure under head 'Construction' would be necessary. Then again, of course, the matter was really mooted originally at a time when there was a proposal of moving the Sibpur College to Ranchi. All that is past history now, and I do not propose to take up the time of the Council unnecessarily. What I want to point out very briefly is this--that although we have not been able to make a start as yet with the question of establishing a Polytechnic Institute in Calcutta, we have not been idle in this matter as well as in the matter of general advancement of industrial education. It may be in the recollection of the Hon'ble Members of this Council that it was a little over a year ago, in connection with a debate on a budget resolution in 1918, that my esteemed friend, the Hon'ble Sir R. N. Mukerji, drew the attention of Government to the necessity of making provision for the higher technical instruction of Mechanical and Electrical Engineers; and although this resolution was opposed by Sir S. P. Sinha on behalf of Government, it was carried by a non-official majority, and in consequence of it, a provision was made in the budget of 1918-1919 for establishing workshops at Kanchrapara but as it was not possible to spend the money within that year, provision has been made in the budget of the next financial year for a hostel at Kanchrapara; and as there has been some difference of opinion regarding the training of such Mechanical Engineers, Government have recently appointed a Committee to go into the question, and of which committee the Hon'ble Sir Rajendra Mokerjee is the President. Then, again, now that we have decided to keep the Sibpur College where it is, we are expecting from the Governing Body of that College proposals for its extension, and we have recently also received a scheme drawn up by Mr. Everett for the establishment of a Polytechnic Institute in Calcutta; so that it may be taken that now that a scheme has actually been outlined for Calcutta, it will be gone into by the Education Department as soon as possible. I should like to go a little further and state what the other activities of this Government have been with regard to this important branch of education. We are in communication with the Bihar and Orissa Government about the development of evening classes in the mine fields and about the possibilities of establishing a school of mines. As all these relate to the same question of technical and industrial education, I have just thought fit to mention them to this Council. It must be understood, however, that the question of the development of industrial and technical education has got to be tackled by the Government as a whole when it takes into consideration all these different schemes, as also the proposals recently made by the Industrial Commission, regarding which some reference at length has been made by the Hon'ble Mr. Mitter. The difficulty, I may say, has hitherto been one of funds, owing to rigid economy being exercised in connection with the war; and although hostilities have ceased, peace is not yet in sight and the financial exigencies imposed by the war have by no means come to an end. We realize, however, the need for the development of technical and industrial education, and I can assure this Council that this Government intends to develop it so far as we have power to do so and have the means at our disposal. The Industrial Commission have drafted a programme and they

*Resolutions.**Mr. P. C. Mitter ; Maulvi A. Kasem.*

speaking with the authority of experts and specialists of a high order. That programme will receive the co-operation not only of Provincial Governments but also of the Government of India, because as Hon'ble Members are fully aware, some parts of their recommendations which relate to the creation of a department of industries with control over technical education open up new vistas and must necessitate eventually the whole of technical education being handed over to a new department altogether; but that is essentially one for the Government of India to decide and for us to follow. The great thing, however, is that the report chalks out lines of advance, and we are anxious to advance in this important branch of education. For these reasons, as I have said, Government are pleased to accept the resolution of the Hon'ble Mr. P. C. Mitter; and I can at the same time give this assurance that the question of a polytechnic institute in or near Calcutta will not be lost sight of. I have already referred to the proposal which Mr. Everett has submitted only a few days ago. There are many attractive parts in his scheme and Government will examine these recommendations at an early date and give it its close and careful consideration. I trust the Hon'ble Members will believe us when we say that we realize, just as much as the mover of this resolution and the gentleman who has moved an amendment to it, the necessity of advancing in this important branch of education; and I hope that with this assurance and with the assurance conveyed by the fact that we are going to accept the resolution of the Hon'ble Mr. P. C. Mitter, the Council will realize that we have not been idle in this matter."

The Hon'ble Mr. P. C. Mitter said :—

"My Lord, I am thankful to Government for accepting my resolution. After the speech of the Hon'ble Maharajahdiraja Bahadur of Burdwan, I do not think it is necessary for me to address the Council further on the matter."

The Hon'ble Maulvi Abul Kasem said :—

"My Lord, I have nothing except to express my thanks to Government and to the Hon'ble Member in charge for the sympathetic reply and for the assurance that he has given. We are also glad to know that Government is in this instance moving quicker than usual."

The resolution was put in the following amended form and agreed to :—

This Council recommends to the Governor in Council that steps be taken to further, as early as possible, technical education at Calcutta and elsewhere in Bengal on the lines indicated in the Report of the Indian Industrial Commission, 1916-18.

LIST OF BUSINESS—ITEM No. 39.

The Hon'ble Maulvi Abul Kasem moved the following resolution :—

This Council recommends to the Governor in Council that steps be taken for the establishment of a Subordinate Judge's Court at Malda.

He said :—

"My Lord, at this fag-end of the day I am sorry to bring forward a resolution which however has an ancient history. It is nearly two decades since the people of Malda moved the Government of Bengal for the establishment of a subordinate judge's court in their town—the headquarters of that

*Resolutions.**Mr. Ashraf Ali Khan Chaudhuri.*

district. At that time inquiries were made and it was found that the prayer could not be reasonably granted. The people of Malda, however, continued to move Government from time to time, and so far back as 1913 when His Excellency Lord Carmichael visited the ancient town of Malda they made this prayer in the address given to His Excellency and they made also the alternative suggestion that failing that a subordinate judge may be asked to divide his time between Malda and Rajshahi. His Excellency was impressed with this aspect of the question and he promised an inquiry. The High Court was subsequently consulted and in the reply to a question put in this Council on the 26th July, 1915, the Hon'ble Mr. Kerr said that 'the High Court recognized that there were strong administrative grounds for meeting the wishes of the inhabitants of Malda, and suggested that a subordinate judge might be posted to Malda temporarily as an experiment, if an officer could be provided without prejudice to the requirements in the matter of additional subordinate judges elsewhere. Owing to lack of funds and the more urgent requirements of other districts, it will not be possible to give effect to the High Court's suggestion this year, but the matter will be further considered when staff and funds become available.' Since then, my Lord, another memorial has been sent to your Excellency's Government and I may here draw the attention of this Council to the strong recommendations of Mr. Cornes who was the District Judge of Rajshahi in 1913. He strongly urged that a subordinate judge's court should be established at Malda, and he declared that great inconvenience was being felt by the people in instituting their suits. He says: 'I am strongly in favour of the proposal, but only on condition that the strength of sub-judges for Rajshahi and Malda be permanently retained as two.' 'It is clear, however, that there is a good deal of work for a sub-judge at Malda.' 'I am informed and find no difficulty in believing that at present considerable claims are remitted frequently in order to bring suits within the jurisdiction of the senior munsif at Malda. The cost of conducting an original suit of Malda at Rampur-Boalia is prohibitive.' It is a very serious matter, my Lord, for the people giving up their rightful claims to avoid the difficulty of coming over to Rajshahi to fight out their cases. These are facts which are recognized by Government, and I hope your Excellency's Government will accept this resolution and give effect to it at an early date.

One difficulty has been mentioned both by the High Court and by Mr. Cornes, and it is about the accommodation of the sub-judge's court. I now learn that the members of the bar library are willing to give up their library room for the accommodation of the sub-judge's court. There is also another house available for that purpose. So this difficulty is removed, and as an additional subordinate judge has been permanently located since 1913 the question of funds does not arise. When I moved a similar resolution some time ago for the establishment of a sub-judge's court at Asansol my hon'ble friend, Babu Kishori Mohan Chaudhuri, assured this Council that although he was the member for Rajshahi he had no objection to a sub-judge's court being established at Malda. So I take it that the people of Rajshahi have no objection to it. Under the circumstances I hope your Excellency's Government will accept this resolution."

The Hon'ble Mr. Ashraf Ali Khan Chaudhuri said:—

"My Lord, representing the Malda district as I do in this Council I cannot give a silent vote in favour of this resolution. I will give the present history, as my hon'ble friend, the mover has given a past history of the facts of the case. I shall first deal with the inaccessibility of getting from Rajshahi to Malda. Once I had the pleasure of going with Cook's party for a trip to Holland, and I remember having enjoyed five sorts of

*Resolution; Adjournment.**Maulvi Asraf Ali Khan Chaudhuri.*

conveyances, when I went to Manikin Island I started in a cab, then got into a train, then went by steamer, then had the pleasure of going by a sailing boat, then an electric tram and then a small country boat in a canal drawn or rather towed by a horse. The people of Malda, when they want to go to Rajshahi enjoy the pleasure of using five or more sorts of conveyances, but under different circumstances. They start first in a bullock cart, they have then to cross the river by ferry boat, then they have to take the train to Godagari and then they have again to change to steamer and when the steamer is stuck on a shoal or *char*—and it often does—they have to get a fishing boat in order to get to Rampur-Boalia, and finally, when they get to Rampur-Boalia, the landing ghat is generally 4 to 5 miles away from the town in dry season. Therefore the journey has to be completed in a *tum-tum* which is peculiar to Rajshahi, over sand. In this way they have to perform a journey of about 70 miles from the district town of Malda to the district town of Rajshahi, i.e., Rampur-Boalia. It may easily be imagined how very difficult the journey will be when the people have to come from the interior of the border of the Malda district.

The next matter is the difficulty about living at Rajshahi. The people of Malda who have not any friends or acquaintances find it difficult to hire houses or to live in hotels. Mr. Cornes, a former District Judge, said in his letter to the High Court that the accommodation was miserable and the lodging houses were generally situated at a great distance from the Courts. I believe the Hon'ble Mr. O'Malley who was some time ago District Magistrate of Rajshahi will bear me out that the Courts are at a great distance from Ghoramara, where the pleaders live; that is, my Lord, another difficulty. My friend the Hon'ble Maharajadhiraja Bahadur of Burdwan, who is in charge of this department, knows very well how difficult it is for Zemindars to maintain two establishments in two different districts. Some people who have got their own family lawyers at Malda have again to keep another set of lawyers at Rajshahi.

We are thankful to Government for distributing the courts, both civil and criminal, all over the Presidency. But in Malda we have not got a Sub-Judge's Court to settle disputes as to question of right, and for settling such cases the people of Malda have to go to Rajshahi. The influential and wealthy people, or rather unprincipled and unscrupulous people, can easily oust another person from his just rights as they know very well that the poor would find it very difficult to travel such a long distance to Rajshahi in order to institute a suit against his powerful opponent and bring all his witnesses over a distance of about 70 miles, and then arrange for their accommodation in a place like Rajshahi. The witnesses also do not like to live in Rajshahi for a long time, and as generally the cases are frequently adjourned the poor people find it very difficult to manage it and consequently fail.

As regards accommodation, I believe the Bar Library has offered to let their room for a small rent of Rs. 30. If, however, Government would care to have a separate building for the sub-judge's court, they could easily build a new house near about the criminal courts or they could easily have another storey on the top of the munsif's court.

The other argument which can be adduced against this resolution is: whether it would pay Government to have a sub-judge's court at Malda. I remember that in Bogra there was formerly no sub-judge's court; but as soon as such a court was established then the number of cases went up by leaps and bounds, as many people have availed themselves of the facilities of instituting their cases which they could not do before.

I do not know, my Lord, whether it would be good form on my part to advocate anything on behalf of lawyers, as I am myself a practising member

*Resolutions.**Babu K. M. Chaudhuri; Rai D. C. Ghose Bahadur.*

of the legal profession. But I may submit that the pleaders at Malda deserve a little encouragement. They can justly claim their legitimate share of the work which is at present the monopoly of the Rajshahi pleaders. If, therefore, Government be kind enough to create a sub-judge's court at Malda it would not only be beneficial to the public, but also to the pleaders there; and since the Rajshahi bar does not object to the resolution, it will perhaps be accepted by Government."

The Hon'ble Babu Kishori Mohan Chaudhuri said :—

"My Lord, I said on another occasion that the people of Malda aspire to have a separate sub-judge's court as they feel very inconvenient to come to Rajshahi to institute suits. Government should consider if there is sufficient work for a sub-judge at Malda, and if that proves to be the case, a sub-judge's court may be established there. At present there are two sub-judges at Rajshahi—one of them may be posted at Malda. There is a suggestion that the present munsiff at Malda who has power to try cases up to Rs. 2,000 may be removed and then there will be found sufficient work for two sub-judges, one of whom may be located at Malda. The people of Rajshahi have no objection to a sub-judge's court being established at Malda and I beg also to suggest in this connection that Malda can be developed into a first class district. If it is decided that only one sub-judge should be appointed, then he shall have to spend six months at Rajshahi and six-months at Malda, but that would be very inconvenient for the people of both these places. The subordinate judge at Rajshahi has to do all the account works as the District Judge has no time to attend to them, and the work at Rajshahi is not insufficient to fully employ the sub-judge. If there is sufficient work for two officers one should certainly be posted at Malda. There are, of course, difficulties, but if these can be removed it would be a good thing to have a sub-judge at Malda."

The Hon'ble Rai Debender Chunder Ghose Bahadur said :—

"My Lord, I have no personal knowledge of the district of Malda and the only knowledge I have about this question has been derived from certain papers which I have here and to which reference has already been made by the hon'ble mover. From those papers I gather that the people of Malda feel great inconvenience and the inconvenience is felt by the local authorities too. From the letter addressed by Mr. Cornes to the Registrar of the High Court I gather that he suggested that one sub-judge could be spared from Rajshahi and that one sub-judge could be placed at Malda permanently and that he will have enough business to justify his being placed there. If half of the subordinate judge's time at Rampur-Boalia is occupied in hearing Malda cases then it must follow that if a sub-judge is placed at Malda he will have more cases and they will occupy his whole time. We have had a discussion in Council about the development of revenues of the Province of Bengal. We forgot that if we increase the number of law courts it will increase the revenue, for the money realized as court-fees besides meeting the expenses of civil courts also pay for the expenses of criminal courts, and there is always a large surplus. What I mean is that there ought not to be any difficulty in acceding to the prayer of the Malda people as it will be a paying thing. It will not only pay the cost of establishing the Court, the salary of the sub-judge and of the ministerial establishment, but it will leave a surplus. The Malda people have been trying for it for the last 18 years, but their cries have not attracted the sympathetic attention of Government. But now that we have had an opportunity of placing the matter before your Excellency's Government, I have no doubt that early

Resolutions.

*Sir D. P. Sarbadhikari; Maharajadhiraja Bahadur of Burdwan;
Mr. Ashraf Ali Khan Chaudhuri.*

orders will be issued for the establishment of a sub-judge's court at Malda. It may be said that this will encourage litigation, but as Mr. Ashraf Ali says that the people of Malda have neither the time nor the money to carry on litigation for the mere fun of it; they have their rights and the Government should provide facilities for vindicating such rights."

The Hon'ble Sir Deba Prasad Sarbadhikari said :—

"My Lord, having recently visited the part of the country in question I may say something from the point of view of the litigants and to voice the strong feeling that obtains in the district of Malda. One should think that the views put forward by some that litigation would be kept down by not establishing a sub-judge's court at Malda has no force whatever. As has been pointed out there is the other side of the question and sometimes justice cannot be obtained if one has to go all the way to Rajshahi. It is refreshing to note that the members of the Rajshahi bar have not put obstacles in the way, and I am sure not only the members of the Malda bar but the people also would welcome a sub-judge's court in their district. The question of accommodation does not arise. The work may be re-arranged in the way suggested by the Hon'ble Babu Kishori Mohan Chaudhuri and it may be possible to remove the munsif with large powers from Malda or to divide the time of a sub-judge as is done in the neighbouring districts of Jalpaiguri and Dinajpur. When at Rajshahi I satisfied myself about the inconvenience felt by the people owing to the want of a sub-judge's court there, this was very great. I did not feel disposed to face the inconvenience of a travel from Rajshahi to Malda much as I wanted to see the ruins of Gour. I do not know why this primitive mode of travelling has been allowed to go on for so many years. The smaller districts ought to be as self-contained as possible while we are dividing the larger districts. I hope for these reasons the resolution ought to be accepted by Government."

The Hon'ble Maharajadhiraja Bahadur of Burdwan said :—

"My Lord, I must confess that the arguments put forward regarding the establishment of a sub-judge's court at Malda have in no way convinced me, because, if I may say so, the arguments which have been put forward are more for personal comfort—nice buildings and making Malda more easily accessible. Nobody seems to have advocated in this Council to-day as to whether or not the work at Malda is sufficient to justify Government's putting a sub-judge there for all the year round. The Hon'ble Maulvi who has been entrusted to move this resolution has limited his remarks to the memorial submitted to your Excellency, printed copies of which I believe have been rather freely distributed among the Members of this Council, and he has also brought into prominence a letter of the then District Judge, Mr. Julian Cornes, which was written about five years ago. Then we have had Mr. Ashraf Ali giving us what he called the present history of Malda and explaining to us some of the shilling delights that he had enjoyed at some obscure island in Holland where, among other things, if I caught him aright, he travelled in a boat driven by horses."

The Hon'ble Mr. Ashraf Ali Khan Chaudhuri said :—

"I beg your pardon, I said towed by horses and not driven by horses."

The Hon'ble Maharajadhiraja Bahadur of Burdwan continuing said :—

"Whatever that may be I do not know whether the shilling delights that he enjoyed in Holland could very well be compared with the delight of the

*Resolutions.**Maharajadhiraja Bahadur of Burdwan.*

70 odd miles of travelling which is required from Rajshahi to Malda in the four or five different kinds of vehicles and conveyances which he mentioned. But I think in this connection it is well to remember what Bengal is. We have only got to look at Eastern Bengal and find out for one's self that these difficulties of travelling cannot be entirely got over until perhaps some enterprising gentlemen in Bengal, like the Tata Brothers in Bombay, start an aerial service, nor do I think can the question of accommodation or the sentimental desire to have a sub-judge placed at Malda weigh entirely with the Government. Then I do not know if as a lawyer he had a brief from his zemindar friends round about Malda, when he brought out the fact that the zemindars round about there have got to have two institutions, one, their family lawyer from the place from which they hail, and another at Malda. My Lord, this is the case all over Bengal and when larger districts are subdivided more and more—a matter which Mr. Kerr would be able to more eloquently explain than myself, I think that the zemindars have got to realize that these multiplications of their legal staff are necessary unless they themselves can minimize the difficulties of law suits. This is a thing which cannot be helped, and it is a thing which is bound to grow as more partitions are sanctioned for the efficiency of government in the country.

Then again we have had the representative from Rajshahi who, I may say, has rather damned the scheme with faint praises: as he could not very well wriggle out of it altogether, but he had not very much to say in favour of it either. I shall now put before the Hon'ble Mover of this resolution as well as its supporters the statistics of court work at Malda. It has already been pointed out by various gentlemen present here to-day that the question of posting a sub-judge at Malda has been before Government for a good many years and it has been brought to the notice of Government by the people of the district and by the local bar there. This is true and Government has naturally consulted the Hon'ble High Court in the matter and is anxious so far as it reasonably can to meet the aspiration of the people in the district. But from an examination of the work which arises in the civil courts from the Malda district however it appears that though there are two munsifs stationed there they have an average amount of work to do. The number of cases arising valued at over Rs. 2,000 has in the last five years only averaged 20 with 14 miscellaneous matters and the number of suits of a value of between Rs. 1,000 and 2,000 which are tried at present by the senior munsif only averages 48. And I believe these figures include non-contested and contested suits, and I think it must be quite clear to the Hon'ble Mover of this resolution as well as to the gentlemen of the Council present here to-day from these figures that under these circumstances it would be impossible to put a sub-judge for the whole year at Malda to hear this small number of cases and a few appeals, unless of course the Hon'ble Member with shilling delights would like the sub-judge who may be placed there to roam about the beautiful mangoe gardens there and work only for two months in a year. I do not think there is any justification for having a sub-judge when these are the figures which are before the Government. At Rampur-Boalia where at present the cases of Rs. 2,000 and over in value are tried, there is only one permanent sub-judge. He has a considerable number of cases arising within the district of Rajshahi to hear, and it would only be inconvenient to depute him for a part of the year to sit at Malda. Government does not therefore see its way to follow the procedure pursued in regard to the districts of Dinajpur and Jalpaiguri under which the sub-judge of Dinajpur is deputed for three short periods during the year aggregating in all about two months to try cases at Jaipauri. In recent years it has, however, been found necessary to depute an additional sub-judge to Rampur-Boalia for part of the year to assist the permanent Judge. The High Court, however, do not consider that in normal years this is a thing that Government should indulge in. In view,

however, of the fact that the people of Malda have been asking since a long time to have a sub-judge placed there permanently, Government is prepared in consultation with the High Court, to consider whether it would not be possible to depute as an experimental measure an Additional Sub-Judge for part of the year to Malda to try cases; and I hope that the Hon'ble Mover of this resolution and its supporters will agree that this is a fair proposal and that this may be tried and I trust that after my explanation the Hon'ble Mover may see his way to withdraw this resolution."

The Hon'ble Maulvi Abul Kasem said : --

"My Lord, from the beginning of the speech of the Hon'ble Maharajadhiraja Bahadur of Burdwan I little anticipated that I will have the agreeable surprise of the assurance given that Government is prepared to try the experiment of deputing an Additional Sub-Judge for a certain time of the year to Malda. This will certainly not only satisfy myself but the people on whose behalf I was deputed to speak and who had asked me to do so. As that has been done I do not think I should detain the Council any longer, and, therefore, with Your Excellency's permission I beg to withdraw the resolution."

The resolution was then, by leave of the President, withdrawn.

ADJOURNMENT.

The Council was then adjourned to Thursday, the 3rd April, 1919, at 11 A.M., at Government House, Calcutta.

A. M. HUTCHISON,

*Secy. to the Govt. of Bengal and
Secy. to the Bengal Legislative Council (offg.).*

CALCUTTA,

The 10th April, 1919.

Abstract of the Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act, 1915.

THE Council met in the Council Chamber at Government House, Calcutta, on Thursday, the 3rd April, 1919, at 11 A.M.

Present :

HIS Excellency the Right Hon'ble LAWRENCE JOHN LUMLEY DUNDAS, EARL OF RONALDSHAY, G.C.I.E., *Governor of the Presidency of Fort William in Bengal, presiding.*

The Hon'ble SIR HENRY WHEELER, K.C.I.E., C.S.I.

The Hon'ble MR. J. G. CUMMING, C.S.I., C.I.E.

The Hon'ble SIR BIJAY CHAND MAHTAB, K.C.S.I., K.C.I.E., I.O.M., MAHARAJA-DHIRAJA BAHADUR OF BURDWAN.

The Hon'ble MR. J. H. KERR, C.S.I., C.I.E.

The Hon'ble MR. C. J. STEVENSON-MOORE, C.V.O.

The Hon'ble MR. F. C. FRENCH, C.S.I.

The Hon'ble MR. J. DONALD, C.I.E.

The Hon'ble MR. L. S. S. O'MALLEY, C.I.E.

The Hon'ble MR. H. P. DUVAL.

The Hon'ble MR. M. C. McALPIN.

The Hon'ble MR. F. A. A. COWLEY.

The Hon'ble COLONEL J. K. CLOSE, M.D., I.M.S.

The Hon'ble MR. W. C. WORDSWORTH.

The Hon'ble MR. C. F. PAYNE.

The Hon'ble MR. S. G. HART.

The Hon'ble KHAN BAHADUR MAULVI AMINUL ISLAM.

The Hon'ble SIR RAJENDRA NATH MOOKERJEE, K.C.I.E.

The Hon'ble SIR NILRATAN SARKAR, K.T.

The Hon'ble MR. R. V. MANSSELL, O.B.E.

The Hon'ble MR. W. H. H. ARDEN-WOOD, C.I.E.

The Hon'ble RAJA HRISHIKESH LAHA, C.I.E.

The Hon'ble MR. L. V. N. MEARES.

The Hon'ble MR. PROVASH CHUNDER MITTER, C.I.E.

The Hon'ble BABU SIV NARAYAN MUKHARJI.

The Hon'ble KUMAR SHIB SHEKHARESWAR RAY.

The Hon'ble SIR DEBA PRASAD SARBADHIKARI, K.T., C.I.E.

The Hon'ble RAI DEBENDER CHUNDER GHOSE BAHADUR.

The Hon'ble RAI RADHA CHARAN PAL BAHADUR.

The Hon'ble MR. W. E. CRUM, O.B.E.

The Hon'ble MR. W. H. PHELPS.

The Hon'ble MR. H. R. A. IRWIN, C.I.E.

The Hon'ble DR. ABDULLA-AL-MAMUN SUHRAWARDY.

The Hon'ble MAULVI ABUL KASEM.

The Hon'ble MR. M. ASHRAF ALI KHAN CHAUDHURI.

The Hon'ble MAULVI A. K. FAZI-UL-HAQ.

The Hon'ble KHAN SAHIB AMAN ALI.

The Hon'ble MR. ALTAF ALI.

The Hon'ble RAI SRI NATH RAY BAHADUR.

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR.

The Hon'ble BABU KISHORI MOHAN CHAUDHURI.

*Questions and Answers.***LIST OF BUSINESS—ITEM No 1.****STARRED QUESTIONS.**

The following questions which had been starred were put and answered :—

By the Hon'ble Babu Kishori Mohan Chaudhuri:—

*1.

(a) Is it a fact that Chaitanya Charan Sett instituted a suit to recover compensation for malicious prosecution against Muhammad Yusuf, a sub-inspector in the Bengal Police, and another, in the court of the subordinate judge at Dinajpur?

Compensation for alleged malicious prosecution by a sub-inspector of police of Dinajpur.

(b) If the answer to clause (a) be in the affirmative, will the Government be pleased to state—

(i) whether it is a fact that Government paid the expenses of the first-named defendant in the above-mentioned suit; and

(ii) whether the Government pleader of Dinajpur and another pleader of the local Bar were engaged on behalf of the defence at the cost of the Government?

(c) If the answer to clause (a) be in the affirmative, will the Government be pleased to state the total amount spent by them for the defence, including pleaders' fees?

(d) Is it a fact that the above suit has been dismissed, and that no costs have been awarded to the first-named defendant on the ground that the said defendant did not exercise proper care in the investigation of a murder case?

(e) If the answer to clause (b) (i) be in the affirmative, will the Government be pleased to state whether they propose to realize from the defendant the amount of the costs incurred by them in the case?

(f) Are the Government aware that the said defendant intends to prefer, or has preferred, an appeal against the decision of the subordinate judge with regard to the costs?

(g) If so, do the Government propose to defray the costs of the said defendant in the appeal?

(h) Has the attention of Government been drawn to the judgment of the subordinate judge? If so, will the Government be pleased to state whether they propose taking any steps regarding the said defendant sub-inspector's conduct as disclosed in the judgment of the subordinate judge?

Answer by the Hon'ble Mr. Kerr:—

" (a) Yes.

(b) Yes.

(c) Rs. 2,135.

(d) Yes.

(e) No.

(f) It is reported that the defendant intends to prefer an appeal at his own cost.

(g) No.

Questions and Answers.

(h) Government have read the judgment of the Subordinate Judge. The Court held that the sub-inspector was not liable for compensation for malicious prosecution and added :—' The acts done by the defendant No. 1 for which he may be blamed are trifling acts of carelessness or indiscretion which did not influence or mislead the other investigating officers to send up the plaintiff as an accused for trial, but as the defendant No. 1 ought to have exercised proper care in the investigation of a murder case, I do not allow him costs

As a matter of fact the prosecution was actually undertaken under the order of Mr. Ray, who was then Assistant Superintendent of Police in charge of the Balurghat subdivision. In these circumstances, Government do not propose to take any action in regard to the sub-inspector."

By the Hon'ble Babu Kishori Mohan Chaudhuri:—

• II.

The case of
Excise Officer,
Babu Akshaya
Kumar Ganguli.

(a) Is it a fact that Babu Akshaya Kumar Ganguli, who had been an officer in the Excise department for about 22 years, was some time ago degraded to the next lower grade from the grade in which he was at the time serving?

(b) If so, will the Government be pleased to state the reason why he was so degraded?

(c) Is it a fact that the said Babu Akshaya Kumar Ganguli appealed to the Commissioner of Excise, Bengal, against the order degrading him, and that the Commissioner of Excise thereupon passed an order dismissing him from the service?

(d) If the answer to clause (c) is in the affirmative, will the Government be pleased to state whether the order dismissing him was in connection with the same offence for which he was degraded as referred to in clause (a)?

(e) If not, will the Government be pleased to state the reasons for such dismissal?

(f) Is it a fact that the said Babu Akshaya Kumar Ganguli appealed to His Excellency the Governor in Council, or to the Hon'ble Member in charge of the Excise department, against the order of dismissal from service by the Commissioner of Excise?

(g) If so, will the Government be pleased to state what action, if any, the Government took in the matter?

(h) If the Government have not taken any action in the matter, are they considering the desirability of instituting an inquiry into the matter?

Answer by the Hon'ble Mr. Donald:—

" (a) Yes.

(b) False entries in his diaries and disobedience of orders.

(c) Yes.

(d) Yes.

(e) His conduct in connection with the offences for which he had been degraded and his previous bad record.

(f) Yes.

(g) Government considered the memorial and declined to interfere.

(h) The question does not arise."

*Questions and Answers.***UNSTARRED QUESTIONS.***(The answers to which were laid on the table.)***By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—**

1.

What progress has been made in the work of the committee which was appointed by the Government of Bengal, with Sir Asutosh Mukerjee as President, for the purpose of advising Government as to the future organisation of the Hindu girls' education?

Progress of the committee on the future organization of the Hindu girls' education.

Answer by the Hon'ble Mr. O'Malley:—

"The Committee in question submitted its report on 31st March, 1916, and has ceased to exist."

By the Hon'ble Maulvi A. K. Fazl-ul-Haq:—

2.

With reference to the answers to my unstarred question No. 17 asked on the 5th March, 1919, regarding the co-operative societies sent into liquidation, will the Government be pleased to state—

Particulars as to certain co-operative societies under liquidation.

- (i) under which of the classes—"bad" or "hopeless"—each such society was placed initially, and on what dates;
- (ii) how many of such societies were personally inspected by the Registrar, Co-operative Societies, after such classification, and on what dates;
- (iii) what exact steps were taken by the Registrar to rescue the societies from ultimate liquidation; and
- (iv) in what way do the Central Bank and the Government staff keep a strict watch over each such society?

Answer by the Hon'ble Mr. McAlpin:—

"(i) There are no records before 1915 of the classification of societies. A statement is, however, laid on the table giving particulars of the years in which the societies were so classified initially since that date. It is not in the public interest to say under what particular class each society was placed initially.

(ii) There is no record of the number of societies under liquidation which were personally inspected by the Registrar.

(iii) In different cases different steps were taken. Members were warned of the consequences of liquidation and exhorted to rescue their societies; time was allowed to them; the periods of kist instalment were extended; officers were sent to the societies to encourage the members to improve their societies; local people of influence were induced to take an interest in the societies; and Central Banks and inspecting officers were instructed to pay as much attention as possible to the societies, to inspect them freely, and to preach the principles of co-operation to the members. Sometimes societies when unwieldy were split up, the office-bearers were removed and new office-bearers appointed; bad members were expelled and better men induced to join the societies; and so on.

(iv) By frequent inspection and careful checking of accounts and Registers."

Questions and Answers.

Statement referred to in the answer by the Hon'ble MR. McALPIN to question No. 2, (Unstarred) asked by the Hon'ble MAULVI A. K. FAZI-UL-HAQ at the Council meeting of the 3rd April, 1919.

Serial No. and name of Society.	Year of classification.	REMARKS.
1	2	3
JESSORE.		
1. Parnandooli R. C. S.	} Was placed under liquidation in April 1914.	T. 10/11
2. Nanduli R. C. C. S.		
3. Beludgar R. C. C. S.		
4. Balia Bhekutia		
5. Bhiana Rajapur		
6. Dhangata R. S.	1915-16.	
7. Doulatpur Mdn. R. C. C. S.	1915-16.	
8. Bansberia R. C. C. S.	1916-17.	
KHULNA.		
1. Muragacha R. C. S.	1914-15.	
2. Dargapur No. 4. R. C. S.	1915-16.	
3. Sabdalpur C. S.	1914-15.	
4. Jahanabaj C. S.	1914-15.	
5. Dhulihar C. S.	1914-15.	
6. Moutala C. S.	1914-15.	
7. Nityanandapur	1914-15.	
8. Khesra No. 1.	1916-17.	
9. Jalalpur R. C. C. S.	1916-17.	
10. Srimantakali R. C. C. S.	1916-17.	
11. Barat R. C. C. S.	1916-17.	
12. Khesra Model R. C. C. S.	1916-17.	
BIRDHUM.		
1. Narianpur R. C. C. S.	1915-16.	
2. Paikar Ghosh C. C. S.	1915-16.	
3. Margram Ghosh C. C. S.	1915-16.	
4. Gonpur Ghosh C. C. S.	1915-16.	
5. Bhabanipur C. C. S.	1916-17.	
6. Kaluna C. S.	1917-18.	
CALCUTTA.		
1. Anglo-Indian C. C. S. Ltd.	1917-18.	
24-PARGANAS.		
1. Baruipur C. Stores Ltd.	1914-15.	
MURSHIDABAD.		
1. Gangaprasad No. 1. R. C. C. S.	1914-15.	
2. Maharajpur R. C. S.	1914-15.	
3. Kuluberia R. C. S.	1914-15.	
4. Chhayghari R. C. S.	1917-18.	
NADIA.		
1. Teorkhali R. C. S.	1914-15.	
2. Ranaghat Paikpara J. B.	1914-15.	
3. Badkulla R. C. C. S.	1914-15.	
4. Ghoramara C. S.	1914-15.	
5. Haulia C. S.	1916-17.	
6. Gobindapur C. S.	1916-17.	
7. Jagannathpur C. S.	1917-18.	
8. Biswanathpur C. S.	1917-18.	

Questions and Answers.

Serial No. and name of Society.	Year of classification.	REMARKS.
1	2	3
MIDNAPORE.		
1. Sital R. C. C. S. ...	1917-18.	
2. Parapara R. C. C. S. ...	1916-17.	
3. Dakshinbar R. C. C. S. ...	1916-17.	
4. Mahapal R. C. C. S. ...	1915-16.	
5. Chinchira R. C. C. S. ...	1916-17.	
6. Akna Pithapur. ...	1917-18.	
7. Ameshawarpur. ...	1917-18.	
FARIDPUR.		
1. Srirampur G. M. S. ...	Liquidated on 14-5-12.	
2. Bedgram G. D. B. ...	Liquidated on 28-5-14.	
3. Shirkhara G. D. B. ...	1914-15.	
4. Paribartan Chaygaon G. D. B. ...	1914-15.	
5. Birangal G. D. B. ...	1914-15.	
6. Amirabad G. D. B. ...	1914-15.	
7. Gobindapur G. M. S. ...	1914-15.	
8. Nayrashi G. D. B. ...	1914-15.	
9. Akandangi G. M. S. ...	1915-16.	
10. Char Nasirpur G. D. B. ...	1914-15.	
11. Kadmi G. D. B. ...	1914-15.	
12. Lakhipur G. M. S. ...	1914-15.	
13. Majhkandi G. M. S. ...	1914-15.	
14. Sujandowla G. D. B. ...	1914-15.	
15. Khas Co. G. D. B. ...	1914-15.	
16. Gopalpur G. D. B. ...	1914-15.	
17. Rajarambari R. D. ...	1914-15.	
18. Char Khankhanapur R. C. B. ...	1915-16.	
19. Jaynagar G. D. B. ...	1914-15.	
20. Brahamandi G. D. B. ...	1915-16.	
21. Kugdi G. D. B. ...	1914-15.	
22. Kutubpur G. D. B. ...	1914-15.	
23. Dakshin Janajat G. D. B. ...	1915-16.	
24. Dattapara G. D. B. ...	1916-17.	
25. Saitnumber Moiserchar G. D. B. ...	1916-17.	
26. Ghattakhan G. D. B. ...	1917-18.	
27. Char Benodepur G. D. B. No. 1 ...	1917-18.	
28. Rajbari C. T. B. Ltd. ...	1917-18.	
29. Udaypur Co-operative Union Ltd. ...	1917-18.	
30. Jasabanta Rayerkandi ...	1917-18.	
31. Paikkandi C. R. B. ...	1917-18.	
32. Ballavdi G. D. B. ...	1917-18.	
33. Sharisar Bahuladanga J. B. ...	1917-18.	
34. Komorpur G. D. B. ...	1916-17.	
35. Char Neamatpur G. D. B. ...	1917-18.	
36. Singaria G. D. B. ...	1917-18.	
37. Bijhari G. D. B. ...	1917-18.	
38. Abdullabad G. D. B. ...	1917-18.	
39. Kalukati G. D. B. ...	1917-18.	
40. Bhasanchar Dadpur G. D. B. ...	1915-16.	
41. Char Nilakhi G. D. B. ...	1917-18.	
42. Faridpur C. T. B. Ltd. ...	1916-17.	
RANGPUR.		
1. Koya G. D. B. ...	Liquidated on 28-4-13.	
2. Barabari G. D. B. ...	1915-16.	
3. Gopalcharan G. D. B. ...	1917-18.	
DINAJPUR.		
1. Durgapur Annapurna Bhandar ...	1916-17.	

Questions and Answers.

Serial No. and name of Society.	Year of classification.	REMARKS.
1	2	3
BOGRA.		
1. Kuptala Udhar Bank ...	1917-18.	
2. Agdhap C. C. S. ...	1917-18.	
3. Digharpar G. J. B. ...	1917-18.	
PABNA.		
1. Boramara G. D. B. ...	} Not available.	
2. Aminpur G. D. B. ...		
3. Bharenga C. Weavers' Society ...		
4. Char Boulia G. D. B. ...	1916-17.	
5. Pengua G. D. B. ...	1917-18.	
6. Nukali G. R. S. ...	1917-18.	
7. Nulkhola G. D. B. ...	1917-18.	
8. Bagmara G. D. B. ...	1917-18.	
9. Ahamedpur G. D. B. No. 1 ...	1917-18.	
10. Kusara G. D. B. ...	1917-18.	
11. Konabaria G. R. S. ...	1917-18.	
12. Edrakpur G. D. B. No. 2 ...	1916-17.	
13. Berahimpura G. D. B. ...	1917-18.	
14. Dariapur G. D. B. No. 2 ...	1917-18.	
15. Agpunglia G. D. B. No. 2 ...	1917-18.	
16. Chakpatta G. R. S. ...	1917-18.	
MYMENSINGH.		
1. Sadhurpara G. M. S. No. 1. ...	1914-15.	
2. Char Gobindapur G. D. B. ...	1914-15.	
3. Char Sataria Lahiripara. ...	1914-15.	
4. Ramnagar G. D. B. ...	1915-16.	
5. Aultia Joutha Bank. ...	1914-15.	
6. Pollokandi Joutha Bank. ...	1915-16.	
7. Rehaigajaria Joutha Bank. ...	1915-16.	
8. Tabirchar Joutha Bank. ...	1915-16.	
9. Shibaprasadpur C. S. ...	1915-16.	
10. Deoghar C. S. ...	1917-18.	
11. Derurbil G. D. B. ...	1914-15.	
CHITTAGONG.		
1. Chota Hatiya J. B. ...	1914-15.	
DACCA.		
1. Moidinagar C. S. ...	1914-15.	
2. Ramkantapur C. S. ...	1914-15.	
3. Rudradi. ...	1914-15.	
4. Mahadebpur. ...	1914-15.	
5. Kharia Karikar Bank. ...	1915-16.	
6. Mirzarchar M. B. I. ...	1917-18.	
7. Khirati G. D. B. ...	Liquidation order annulled by the Local Government on appeal.	
BAKARGANJ.		
1. Choramuddi D. B. M. ...	1914-15.	
2. Dakhin Satikhola. ...	1914-15.	
3. Barua G. B. M. ...	1914-15.	
4. Salia Bagpur. ...	1916-17.	
5. Bamanikati G. D. B. ...	1914-15.	
6. Jagua D. B. M. ...	1915-16.	
7. Ruiya D. B. M. ...	1916-17.	
8. Khoerdi. ...	1915-16.	

Questions and Answers.

Serial No. and name of Society.	Year of classification.	REMARKS.
1	2	3
TIPPERAH.		
1. Fagunda G. K. S.	Closed on 31-7-14.
2. Comilla G. Stores Ltd.	1914-15.	
3. Dari Algaon G. M. S.	1914-15.	
4. Manikganja G. M. S.	1914-15.	
5. Rajapur G. M. S.	1914-15.	
6. Mahamadpur G. M. S.	1914-15.	
7. Merkot G. M. S.	1914-15.	
8. Tugaria G. M. S.	1914-15.	
9. Chandpur C. U. B. Ltd.	1914-15.	
10. Sahabajpur J. B.	1915-16.	
11. Padua G. M. S.	1915-16.	
12. Panchrangi G. M. S.	1915-16.	
13. Lakhipur G. M. S.	1915-16.	
14. Basudai G. M. S.	1916-17.	
15. Heshakhal G. M. S. No. 1	1916-17.	
16. Srihasya G. M. S.	1916-17.	
17. Sahatuli J. B.	1916-17.	
18. Tapaban G. M. S.	1916-17.	
19. Ujanijora G. M. S.	1916-17.	
20. Gangtiara G. M. S.	1916-17.	
21. Pella G. M. S.	1916-17.	
22. Belashaw G. K. S.	1916-17.	
23. Fulgaon G. K. S.	1915-16.	
24. Rajmahar G. K. S.	1916-17.	
25. Bhabanipur G. K. S.	1917-18.	
26. Astagram Purbapara	1917-18.	
27. Narianbatua	1917-18.	
28. Barora	1917-18.	
29. Astagram Paschimpara	1917-18.	
30. Sinjore G. M. S.	1917-18.	
31. Khajaria G. M. S.	1917-18.	
32. Narpatti Purbapara	1917-18.	
33. Gazirmura	1915-16.	
34. Natherpetua	1917-18.	
NOAKHALI.		
1. Bararai J. B.	1916-17.	
2. Bandua Daulatpur J. B.	1915-16.	
3. Karmullapur J. B.	1916-17.	
4. Safiabad Ghagra J. B.	1916-17.	
5. Purba Kolapur J. B.	1916-17.	
6. Dakhin Taralia J. B.	1915-16.	
7. Uttar Mirwarisipur J. B.	1917-18.	
8. Ramnagar J. B.	1917-18.	

By the Hon'ble Babu Akhil Chandra Datta:—

3.

Will the Government be pleased to state whether the rules of recruitment for the subordinate civil service are the same as those for the provincial civil service (executive branch), requiring in both cases the same qualifications, educational and otherwise?

Rules of recruitment for the subordinate civil service.

Answer by the Hon'ble Mr. Kerr:—

"The qualifications prescribed for candidates for appointment by direct recruitment to the subordinate civil service and to the provincial civil service are the same. Appointments by promotion to the provincial civil service are usually made from the subordinate civil service, and appointments by promotion to the subordinate civil service from lower services and departments."

Questions and Answers.

By the Hon'ble Babu Akhil Chandra Datta:—

4.

Training of members of the provincial executive service and of the subordinate civil service.

(a) Will the Government be pleased to state if members of the provincial executive service and of the subordinate civil service have to undergo the same training during their probationary period and are required to pass the same departmental examinations—by the lower and the higher standards?

(b) If so, will the Government be pleased to state since when this system has been in vogue?

Answer by the Hon'ble Mr. Kerr:—

“(a) Yes.

(b) Since 1892.”

By the Hon'ble Babu Akhil Chandra Datta:—

5.

Duties of the members of the subordinate civil service and of the provincial executive service.

Is it a fact that members of the subordinate civil service are doing the same kind of responsible work as the members of the provincial executive service?

Answer by the Hon'ble Mr. Kerr:—

“Generally speaking, sub-deputy collectors are employed on work of less importance and responsibility than deputy collectors, and a large proportion of sub-deputy collectors are employed as sub-treasury officers, circle officers, *tahsildars* in Government estates and in other posts which are not held by deputy collectors.”

By the Hon'ble Babu Akhil Chandra Datta:—

6.

Members of the subordinate civil service and charge of important revenue departments

Is it a fact that the members of the subordinate civil service are placed in independent charge of important revenue departments, *e.g.*, settlement, *khas mahals*, certificate, partition, cess revaluation, land registration, court of wards, etc., like the members of the provincial executive service?

Answer by the Hon'ble Mr. Kerr:—

“It will be seen from pages 70—89, of the Civil List that both deputy and sub-deputy collectors are employed on settlement work, in Government estates and on partition and cess revaluation work. No deputy collector is at present employed under the Court of Wards, though two sub-deputy collectors are so employed. Sub-deputy collectors are not ordinarily vested with the powers of a certificate officer under the Public Demands Recovery Act. Officers are vested with these powers by the Collector with the sanction of the Commissioner and complete information regarding the officers at present exercising these powers is not available. Under section 84 of the Land Registration Act the Collector may delegate powers and functions under that Act to any assistant, deputy or sub-deputy collector, and Government have no information as to the officers at present exercising such powers. Neither deputy nor sub-deputy collectors are in independent charge of any of the departments here mentioned. They all work under the supervision and control of the Collector or Settlement Officer.”

Questions and Answers.

By the Hon'ble Babu Akhil Chandra Datta:—

7.

(a) Is it a fact that in recent years a number of sub-deputy magistrates have been vested with first class and other special powers under the Code of Criminal Procedure, which were formerly exercised exclusively by the deputy magistrates?

Vesting of sub-deputy magistrates with first class and other powers.

(b) If so, will the Government be pleased to lay on the table a list of such officers, giving—

(i) the dates of their appointment to the subordinate civil service;

(ii) their present grades; and

(iii) the special powers with which they have been vested, together with the dates of such investment?

(c) On whose recommendations are the sub-deputy magistrates vested with first class powers?

(d) Is there any guiding principle underlying the investment of sub-deputy magistrates with first class powers under the Code of Criminal Procedure?

(e) Have the recommending authorities been instructed by any general letters, orders or circulars to adopt certain definite principles in making the recommendations?

(f) Was there any circular or order issued on this subject in August, 1911?

(g) If so, will the Government be pleased to lay on the table all letters, circulars and orders on this subject?

Answer by the Hon'ble Mr. Kerr:—

"(a) Until recently, sub-deputy magistrates were vested with first class magisterial powers only in exceptional cases. In 1916, however, owing to the absence with the Indian Army Reserve of Officers of a number of junior members of the Indian Civil Service, the rules were temporarily relaxed, and Commissioners were asked to nominate for first class powers sub-deputy magistrates who had exercised second class powers for some time and could be recommended as thoroughly fit to exercise first class powers.

(b) A statement is laid on the table.

(c) On the recommendation of Commissioners.

(d) and (e) The Hon'ble Member is referred to the answer to clause (a) above.

(f) Yes.

(g) Copies of Government circulars No. 3885 A., dated 8th August, 1911, and No. 9041 A., dated 16th December, 1916, are laid on the table."

Questions and Answers.

Statement referred to in the answer by the Hon'ble MR. KERR to question No. 7 (Unstarred) asked by the Hon'ble BABU AKHIL CHANDRA DATTA at the Council meeting of the 3rd April, 1919, of sub-deputy collectors who have been vested with 1st class powers and other special powers under the Code of Criminal Procedure.

Serial No.	NAME.	Date of appointment as sub-deputy collector.	Present grade.	DATE OF INVESTMENT WITH—		REMARKS.
				First class powers.	Other powers under the Criminal Procedure Code.	
1	Babu Sharat Chandra Chatterji.	8th March 1896	1st ...	16th July 1918	565—5th Nov. 1918	
2	" Birendra Kumar Basu.	3rd Nov. 1902	1st ...	16th " "	.....
3	" Subodh Chandra Mitra.	21st " "	1st ...	17th Mar. 1917	260—14th Nov. 1918	Since promoted to the Provincial Civil Service.
4	" Atul Gopal Roy	24th " "	1st ...	18th Feb. 1918	260—28th Apl. 1917	Disto ditto.
5	" Harish Chandra Sarkar.	2nd Jan. 1903	1st ...	16th July 1918	565—30th Aug. 1918	
6	" Radhika Mohan Basak	20th June 1904	2nd ...	12th Mar. 1917	.....
7	" Kehitish Chandra Halder.	30th Nov. 1906	2nd ...	16th July 1918	.....
8	" Atul Behari Gossain.	6th Dec. 1906	2nd ...	18th Mar. 1917	565—16th Aug. 1918.	
9	" Prokash Chandra Dutta.	17th " "	2nd ...	19th " "	{ 260—7th Jan. 1919. 565—30th Sept. 1918.	
10	" Anulya Krishna Dutta.	7th " "	2nd ...	16th July 1918	565—8th Nov. 1918.	
11	" Rajendra Lall Acharji.	7th Dec. 1906	2nd ...	26th Oct. 1917.	{ 110—16th Mar. 1918. 565—1918. 260—4th Feb. 1919.	
12	Maulvi A. F. M. Muhammad Mahmud.	6th Dec. 1906	2nd ...	28rd Sept. 1918	.....
13	Babu Hari Charan Banerji.	10th Dec. 1906	2nd ...	17th Mar. 1917	565—4th June 1918.	
14	" Upendra Mohan Basu.	17th Jan. 1907	3rd ...	12th " "	{ 110—12th Dec. 1918. 565—11th Nov. 1918.	
15	" Bankim Behari Mitra.	10th Dec. "	3rd ...	12th " "	565—20th Oct. 1917.	
16	Mr. A. J. L. Mitter ..	9th " "	3rd ...	28th Oct. 1918	.....
17	Babu Manindra Nath Basu.	14th April 1906	3rd ...	17th Mar. 1917	.....
18	" Tarapada Bhattacharji.	11th Dec. 1907	3rd ...	12th " "	{ 120—10th Feb. 1919. 565—10th June 1919.	
19	Maulvi Muhammad Ibrahim.	18th Feb. 1908.	3rd ...	16th July 1918	.....
20	Babu Surendra Mohan Mitra.	21st March 1910.	3rd ...	12th Nov. 1917	.....
21	Babu Kali Charan Mukherjee.	6th Dec. 1909	3rd ...	16th July 1918	.....
22	Babu Rehati Raman Barua.	18th April 1911	4th ...	16th " "	.....
23	Babu Phani Bhushan Chakravarty.	11th Feb. "	4th ...	16th " "	.....
24	Babu Suresh Chandra Nandy.	4th April 1912	4th ...	16th " "	.....
25	Babu Narendra Narain Chakravarty.	30th Nov. "	4th ...	17th Mar. 1917	.....
26	Maulvi Jamiluddin Ahmad.	21st Dec. 1914	5th ...	3rd Feb. 1919	.....

Questions and Answers.

Circulars referred to in the answer by the Hon'ble Mr. KERR to question No. 7 (Unstarred) asked by the Hon'ble BABU AKHIL CHANDRA DATTA at the Council meeting of the 3rd April, 1919.

No. 3885 A., dated Calcutta, the 8th August 1911.

From—THE HON'BLE MR. C. J. STEVENSON-MOORE, I.C.S., Chief Secretary to the Government of Bengal,

To—All Commissioners of Divisions.

THE question of vesting selected Sub-Deputy Magistrates and Collectors with first class magisterial powers has been recently under the consideration of Government. Although the primary duties of these officers are connected with the revenue administration, their services are also utilized for the trial of criminal cases. They are required to pass the Departmental Examinations by both the lower and higher standards, including the examination in Civil Law, but they are not at present given powers higher than those of a Magistrate of the second class. Some of these officers, however, have shown themselves possessed of an aptitude for magisterial work, which would justify the grant of full powers, and the Lieutenant-Governor in Council sees no valid reason why the administration should be deprived of the full value of their services. Such cases should, however, be regarded as exceptional and first class powers should only be conferred on those officers who from their standing and abilities are likely to be promoted within the next two or three years to the rank of Deputy Magistrate and Deputy Collector. I am to request that, subject to the above conditions, you will bear it in mind that it is open to you to recommend Sub-Deputy Magistrates for investment with first class powers.

No. 9041-45A., dated Calcutta, the 16th December 1916.

From—THE HON'BLE MR. J. H. KERR, C.I.E., Chief Secretary to the Government of Bengal,

To—All Commissioners of Divisions.

I AM directed to invite a reference to the circular letter No. 3885 A., dated the 8th August 1911, in which it was laid down that only those Sub-Deputy Magistrates should be recommended for first class magisterial powers who possessed special aptitude for magisterial work and who from their standing and abilities are likely to be promoted within the next two or three years to the rank of Deputy Magistrate and Deputy Collector. Owing to the deputation to the I. A. R. O. of a number of junior civilians who would ordinarily be holding charge of important subdivisions, there is a great scarcity of Deputy Magistrates with first class powers at present, and it is difficult to meet the demands for such officers. In these circumstances Government are willing to relax temporarily the existing orders about the grant to Sub-Deputy Magistrates of first class powers and to vest a limited number of Sub-Deputy Magistrates with such powers, provided they have exercised second class powers for some time and can be recommended as thoroughly fit to exercise first class powers. I am, therefore, to request that you will be so good as to report to Government at an early date the names of any such officers in your Division.

By the Hon'ble Babu Akhil Chandra Datta:—

8.

Is it a fact that the Government contemplated to confer first class powers only on those sub-deputy magistrates who were likely from their standing and abilities to be promoted within two or three years to the rank of deputy magistrates? If so, has this intention been given effect to?

Proposal to confer first class powers on selected sub-deputy magistrates.

Answer by the Hon'ble Mr. Kerr:—

"The Hon'ble Member is referred to the answer to question No. 7."

*Questions and Answers.***By the Hon'ble Babu Akhil Chandra Datta:—****9.**

Management
of Government
estates by
sub-deputy
collectors.

Is it a fact that several important Government estates are managed by sub-deputy collectors, and that one of them has a rent-roll of 3 lakhs and 78 thousand rupees?

Answer by the Hon'ble Mr. McAlpin:—

"The Hon'ble Member will find full information on the subject at pages 78-81 of the Bengal Civil List for January, 1919."

By the Hon'ble Babu Akhil Chandra Datta:—**10.**

Services of
sub-deputy
collectors in
recruiting and
other work
during the war.

Is it a fact that the services of the sub-deputy collectors were requisitioned by Government for recruiting and other work during the period of the war in the same way as those of the deputy collectors?

Answer by the Hon'ble Mr. Kerr:—

"Thirteen sub-deputy collectors were employed solely on recruiting duties for different periods during the war, and others did recruiting work in addition to their ordinary duties. No sub-deputy collector was employed on any form of war-work except recruiting. No deputy collector was employed solely on recruiting work, but several assisted in recruiting work in addition to their ordinary duties. Five deputy collectors joined the Indian Army Reserve of Officers, and two were employed in the Military Accounts Department during the war."

By the Hon'ble Babu Akhil Chandra Datta:—**11.**

Sub-deputy
collectors and
their duties.

Is it a fact that the sub-deputy collectors, are, as a rule, hard-worked officers and are entrusted with important and responsible duties?

Answer by the Hon'ble Mr. Kerr:—

"Generally speaking, the statement is correct."

By the Hon'ble Babu Akhil Chandra Datta:—**12.**

Sub-deputy
collectors
holding listed
appointments in
the provincial
executive
service.

(a) Will the Government be pleased to state whether it is a fact that at present some of the members of the provincial executive service, who are holding listed appointments, were formerly sub-deputy collectors?

(b) If so, will the Government be pleased to lay on the table a list of such officers?

Answer by the Hon'ble Mr. Kerr:—

"(a) and (b) Two members of the provincial civil service who are now holding listed appointments, were formerly sub-deputy collectors, namely:—

(1) Khan Bahadur Muhammad Abdul Mumin, now Magistrate and Collector, 3rd grade, and Settlement Officer, Jessore.

(2) Khan Bahadur Saiyid Abdul Latif, Under-Secretary to Government, Revenue Department."

Questions and Answers.

By the Hon'ble Babu Akhil Chandra Datta:—

13.

Will the Government be pleased to lay on the table a statement showing the officers of the provincial and subordinate civil services who are at present holding independent charge of the following departments:—

List of officers of provincial and subordinate civil services in independent charge of certain departments.

- (i) khas mehal;
- (ii) certificate;
- (iii) cess revaluation;
- (iv) land registration;
- (v) court of wards;
- (vi) settlement; and
- (vii) partition?

Answer by the Hon'ble Mr. Kerr:—

"The Hon'ble Member is referred to the answer to question No. 6."

By the Hon'ble Babu Akhil Chandra Datta:—

14.

(a) Are the Government considering the question of recruitment of the subordinate civil service and other matters relating thereto, which were stated to be "in the melting pot" by the Hon'ble Mr. Kerr in the course of his reply to the resolution moved by the Hon'ble Rai Mahendra Chandra Mitra Bahadur, at the meeting of the Council held on the 19th August, 1918, with respect to the subordinate civil service?

Recruitment of the subordinate civil service.

(b) If so, will the Government be pleased to state what progress has been made in the matter?

Answer by the Hon'ble Mr. Kerr:—

"(a) and (b) The Hon'ble Member is referred to this Government Resolution No. 2160 A., dated the 25th March, 1919, which was published in the *Calcutta Gazette* of the 26th March, 1919, and in which *inter alia*, the question of the promotion of members of the subordinate civil service to the provincial civil service was discussed in connection with the recommendations of the Public Services Commission relating to the latter service. The Public Services Commission did not deal with the subordinate civil service, and the position of that service is not at present under the consideration of Government except to the extent stated."

By the Hon'ble Babu Akhil Chandra Datta:—

15.

(a) Have the Government invited the opinions of public bodies, divisional commissioners, district and subdivisional officers, and the members of the services concerned, in connection with the recruitment, etc., of the subordinate civil service?

Collection of opinions in connection with the recruitment of the subordinate civil service.

(b) If not, are the Government considering the desirability of inviting such opinions by a resolution as was recently done in the case of the provincial judicial service and of the Excise department?

*Questions and Answers.***Answer by the Hon'ble Mr. Kerr:—**

" (a) Only to the extent stated in the answer to question No. 14.

(b) Government propose to await opinions on the resolution relating to the provincial civil service before considering whether any action should be taken in regard to the subordinate civil service."

By the Hon'ble Babu Akhil Chandra Datta:—

16.

The case of
Shaju Khatun.

(1) Is it a fact—

(a) that one Shaju Khatun, wife of Kajem Mashalchi, resident of village Baburchar, police-station Sadarpur, district Faridpur, was arrested in a cloth looting case as she had on a new sari which was suspected to be stolen property;

(b) that she was in an advanced stage of pregnancy;

(c) that she was made to walk on foot a long distance from Maheshwardi to Bhanga;

(d) that after walking some distance she informed the constable and the chaukidar that she had a pain in her abdomen and asked for permission to rest a while;

(e) that in reply she received a blow from the said constable;

(f) that after walking for about three hours she began to bleed;

(g) that her cloth being stained with blood, her brother, also an accused in the same case, gave her a cloth to protect her from the gaze of the people;

(h) that on the following day she was again made to walk from Talma to Faridpur where she was admitted into the jail with her cloth soaked with blood;

(i) that within a few hours after her admission into the jail she was delivered of a still-born child; and

(j) that she was in the jail when the Hon'ble Mr. J. G. Cumming, C.S.I., C.I.E., inspected the Faridpur jail in February last?

(2) If so, are the Government considering the desirability of making a full inquiry into the matter and of laying the result thereof on the table?

Answer by the Hon'ble Mr. Kerr:—

" (1) From a preliminary inquiry which was ordered by the Inspector-General of Police when he saw a report of this case in the newspapers, it would appear that the facts are substantially as stated in the question, except that it is denied that the woman was assaulted by a constable. It is reported that when the woman was arrested, the police offered to release her on bail, but no one was willing to stand surety for her. It is also stated that on the day previous to her arrest, the woman walked ten miles of her own accord from her home at Baburchar to her father's house at Maheshwardi.

(2) The District Magistrate of Faridpur has directed the Sadar Sub-divisional Officer to hold a full inquiry into the matter and the result will be laid on the table in due course."

*Questions and Answers.***By the Hon'ble Khan Sahib Aman Ali:—**

17.

(a) Are the Government considering the desirability of allowing the students who were permitted to appear at the Final Licentiate Examination of the State Medical Faculty but could not, owing to unavoidable circumstances, appear at the said examination or got plucked in more than two subjects in 1916, an opportunity of appearing at the said examination to be held in November, 1919? Concession to certain medical students.

(b) Do the Government contemplate asking the sanction of the Government of India for the extension of this privilege to the said students?

(c) Was there any memorial received by Government from the public for granting the above concession to the said students?

(d) If so, will the Government be pleased to lay the memorial on the table?

Answer by the Hon'ble Mr. Donald:—

"(a) No. Government do not propose to go beyond the concession intimated in the press *communiqué* of the 3rd February, 1919, a copy of which is laid on the table.

(b) No.

(c) The Chittagong Association submitted a memorial asking that the privilege of appearing at the Faculty Examination for a considerable period, or at least till November, 1918, be extended to all those who could not avail themselves of the opportunity of appearing at the examination held in November, 1916.

(d) A copy is laid on the table."

Press Communiqué referred to in the answer by the Hon'ble Mr. DONALD to question No. 17 (Unstarred) asked by the Hon'ble KHAN SAHIB AMAN ALI at the Council meeting of the 3rd April, 1919.

GOVERNMENT OF BENGAL.**FINANCE DEPARTMENT.****Medical.****PRESS COMMUNIQUÉ.**

Calcutta, the 3rd February, 1919.

In modification of previous orders on the subject, the Governor in Council has now decided that candidates who were permitted to appear at the Final Licentiate Examination of the State Medical Faculty of Bengal, held in November, 1916, under the certificates granted by Government under the Transitory Provisions of the Statutes of the Faculty, but who failed in one or two subjects, will be allowed to re-appear at the examinations of the Faculty up to and including the examination to be held in November, 1919. Such candidates will be exempted from the obligation of undergoing further instruction in the subject or subjects in which they may have failed. The examination to be held in November, 1919, will be the last examination under the Transitory Provisions of the Statutes of the State Medical Faculty.

Questions and Answers.

Memorial referred to in the answer by the Hon'ble MR. DONALD to question No. 17 (Unstarred) asked by the Hon'ble KHAN SAHIB AMAN ALI at the Council meeting of the 3rd April, 1919.

From—The Joint Secretary, Chittagong Association, Chittagong,
To—His Excellency The Right Hon'ble Lawrence John Lumley
Dundas, Earl of Ronaldshay, G.C.I.E., Governor of the
Presidency of Fort William in Bengal in Council, Calcutta.

May it please Your Excellency,

I have been asked by the Chittagong Association to lay the following facts for favourable consideration of Your Excellency in Council.

1. That your Excellency's Government was pleased, when the Bengal Medical Act was passed, to permit the passed students of the Calcutta Medical School, Belgachia, to appear at the Final Licentiate Examination of the State Medical Faculty within two years of its constitution; and the passed students of other medical institutions were allowed the same privilege about one year after that. At the same time this fact was not known to many passed students of these institutions. Some, no doubt, appeared at the examination, but with a few exceptions, got plucked in it as they were unable to prepare themselves for the examination within the short time at their disposal after they came to know of the permission.

2. That your Excellency's Government has been further pleased to allow those practitioners only who failed for the first time in one or two subjects of the Faculty Examination held in November, 1916, to appear again at the next examination. But unfortunately the same privilege has not been extended to those who could not appear at the said examination as owing to shortness of notice, illness or other accidental causes, they could not prepare themselves for it. Thus some persons will enjoy greater privileges which will be denied to those of at least equal ability simply because the former has the chance of appearing at the examination which the latter could not avail themselves of.

3. My association thinks that it will really be very hard for those medical practitioners who for reasons mentioned above could not appear at the examination to carry on the very useful work that they have been doing in the whole country and to earn their own living even, if they be not granted the privilege of qualifying themselves as medical practitioners according to the Bengal Medical Act.

4. That two years mentioned in paragraph 1 having now expired a large number of practitioners are placed into disability to continue their profession and those in whose services they have been so employed are not willing to retain them in service unless they pass the prescribed examination.

5. Your Excellency's Government has already been signalled by a great effort towards the amelioration of the condition of the people by fighting against the diseases in the country, malaria, cholera, etc. Your Excellency is not unaware of the fact that medical practitioners are very few in number in proportion to the population of the country and the people therefore are in need of an adequate number of passed practitioners in view of great many diseases carrying away thousands of people every year.

6. My association therefore prays that your Excellency's Government will be graciously pleased to extend the privilege, viz., the time of appearing at the Faculty Examination for a considerable period or at least till November, 1918, to all those who could not formerly avail themselves of the opportunity.

I have the honour to be,

Your Excellency's most obedient servant,

PARECHANDRA SEN, Vakil,

Jt. Secretary, Chittagong Association.

CHITTAGONG;

The 14th February, 1918.

*Questions and Answers.***By the Hon'ble Khan Sahib Aman Ali:—****18.**

Will the Government be pleased to lay on the table a statement showing, district by district, the total number of registered medical practitioners in the Presidency as also the population of each district?

Number of
registered
medical
practitioners
in each district
with its
population.

Answer by the Hon'ble Mr. Donald:—

"A statement is laid on the table."

Statement referred to in the answer by the Hon'ble MR. DONALD to question No. 18 (Unstarred) asked by the Hon'ble KHAN SAHIB AMAN ALI at the Council meeting of the 3rd April, 1919, showing the population, district by district, of the Presidency of Bengal, as contained in the tables of the Census of India, 1911, Volume V, Bengal, Part II, and the number of registered Medical Practitioners of each district, as contained in the Annual Medical List, 1919.

Name of district.	Population.	Registered Medical Practitioners.
<i>Burdwan Division.</i>		
Burdwan	1,538,371	155
Birbhum	935,473	40
Bankura	1,138,670	45
Midnapore	2,821,201	87
Hooghly	1,090,097	141
Howrah	943,502	112
<i>Presidency Division.</i>		
24-Parganas	2,434,104	179
Calcutta	896,067	626
Nadia	1,617,846	99
Murshidabad	1,372,274	64
Jessore	1,758,264	56
Khulna	1,366,766	50
<i>Rajshahi Division.</i>		
Rajshahi	1,480,587	59
Dinaipur	1,687,863	39
Jalpaiguri	902,660	47
Darjeeling	265,550	38
Rangpur	2,385,330	70
Bogra	983,567	34
Pabna	1,428,586	73
Malda	1,004,159	25
<i>Dacca Division.</i>		
Dacca	2,960,402	160
Mymensingh	4,526,422	95
Faridpur	2,121,914	69
Bakarganj	2,428,911	53
<i>Chittagong Division.</i>		
Tipperah	2,430,138	51
Noakhali	1,302,090	29
Chittagong	1,508,433	48
Chittagong Hill-tracts	153,830	8

*Questions and Answers.***By the Hon'ble Khan Sahib Aman Ali:—****19.**

Grant of hill allowance to the teachers of the Rangamati Government High English School.

With reference to the reply to my unstarred question No. 2 asked at the meeting of the Council of the 21st January last regarding the grant of hill allowance to the teachers of the Rangamati Government High English School, are the Government considering the desirability of—

- (i) taking up at an early date the case of those poorly paid teachers residing at Rangamati with its many disadvantages, without waiting for the Director of Public Instruction to move in the matter; and
- (ii) giving them the privilege with retrospective effect from the date on which the allowances of other officers were increased?

Answer by the Hon'ble Mr. O'Malley:—

"(i) The Director of Public Instruction is being asked to give the matter his early attention.

(ii) It is not usual to grant retrospective effect to any such privilege, nor can any hopes be held out that orders will issue with retrospective effect in the present case."

By the Hon'ble Khan Sahib Aman Ali:—**20.**

New recurring grant for Government high school teachers.

(a) With reference to the reply to my unstarred question No. 3 asked at the meeting of the Council of the 21st January last regarding the new recurring grant for Government high school teachers, will the Government be pleased to state why the teachers cannot get the benefit of that grant from the 1st April, 1917?

(b) If the increment of pay from that very date cannot be granted, will the Government be pleased to grant some bonuses to the poorly paid teachers in the place of increment of pay?

(c) Is there any likelihood of the educational grant lapsing after a period of three years from the date of the grant?

Answer by the Hon'ble Mr. O'Malley:—

"(a) and (b) It is not possible to utilize the grant for the benefit of the teachers in question until the sanction of the Government of India to the proposals of this Government is received.

(c) It is presumed that the question relates to the possibility of the 9 lakhs grant made to this Government by the Government of India being discontinued. The grant is recurring and is therefore not likely to be discontinued within three years after it was first made."

*Questions and Answers.***By the Hon'ble Babu Kishori Mohan Chaudhuri:—****21.**

(a) Will the Government be pleased to state—

(i) how many appointments in the provincial judicial service are likely to be made up to the end of March, 1920;

(ii) whether the nomination for probable vacancies up to the end of March, 1920, has already been made; and

(iii) how many appointments have been made since April, 1918?

(b) Is it a fact that the names of certain enrolled candidates have been removed from the "list of enrolled candidates" on the ground that they are not likely to get an appointment by March, 1920?

Appointments
in the provincial
judicial service.**Answer by the Hon'ble Mr. Duval:—**

" (a) (i) Fifteen.

(ii) Yes.

(iii) Eighteen.

(b) Yes."

By the Hon'ble Babu Kishori Mohan Chaudhuri:—**22.**

Will the Government be pleased to lay on the table a tabular statement showing—

Particulars as
to certain officers
of the provincial
judicial service.

(a) the names and residences of the persons referred to in clauses (a) and (b) of question No. 21;

(b) the ages of the persons referred to in clauses (a) and (b) of question No. 21 on the dates of—

(i) their nomination,

(ii) the removal of their names from the list of enrolled candidates, and

(iii) their appointment,

referred to in clauses (a) and (b) of question No. 21;

(c) in detail the educational career of the persons referred to in clauses (a) and (b) giving the division in which such persons passed the B.A. or B.Sc. or M.A. or M.Sc. and B. L. examinations; and

(d) the special reasons, if any, for—

(i) their nomination,

(ii) the removal of their names from the list of enrolled candidates, and

(iii) their appointment,

referred to in clauses (a) and (b) of question No. 21?

Answer by the Hon'ble Mr. Duval:—

" (a), (b) and (c) Statements containing this information are laid on the table.

(d) Government cannot give the reasons for the nomination or striking off the list of each candidate. The Hon'ble High Court fully considered the case of every candidate before removing his name from the list."

Questions and Answers.

Statements referred to in the answer by the Hon'ble MR. DUVAL to question No. 22 (Unstarred) asked by the Hon'ble BABU KISHORI MOHAN CHAUDHURI at the Council meeting of the 3rd April, 1919.

I.

Names of Candidates nominated or selected for appointments to the Provincial Judicial Service.

Serial No.	NAME.	Residence.	Age at the time of nomination or selection.	Age at the time of appointment.	Educational qualifications.
			Y. M.	Y. M.	
1	Babu Sharat Chandra Ray Chaudhuri.	24-Parganas ...	28 10	28 11	M. A. and B. L. in the 2nd division.
2	Maulvi Altaf Ahmed ...	Jessore ...	28 7	28 8	B. L. in the 2nd division.
3	Mr. Satish Chandra Bagchi	Dibrugarh, Assam	28 7	28 9	Barrister-at-Law.
4	Babu Pratul Chandra Ray	Hooghly ...	28 4	28 5	B. L. first in 1st class. Tagore Medalist
5	" Phanindra Kumar Singh.	Nadia ...	28 3	28 3	B. L. in the 2nd division.
6	" Narendra Nath Sen Gupta.	Faridpur ...	28 3	28 4	M.Sc. in the 3rd division and B. L. in the 2nd division.
7	Babu Sachi Kanta Ray ...	Dacca ...	28 2	28 3	B. L. in the 1st division.
8	" Priya Brata Sen ...	Hooghly ...	27 9	27 11	M.A. in the 3rd division and B. L. in the 2nd division.
9	" Jyotirindra Narayan Bagchi.	Nadia ...	27 9	27 11	B. L. in the 2nd division Intermediate Law Examination in the 1st division.
10	" Naresb Chandra Chakrabarti.	Dacca ...	27 7	27 9	B. L. in the 2nd division.
11	" Nagendra Chandra Ganguly.	Faridpur ...	27 4	27 6	M. A. in the 3rd division and B. L. in the 1st division.
12	" Ashutosh Das ...	Sylhet ...	27 1	...	B. L. in the 2nd division.
13	" Anukul Chandra Sanyal.	Pabna ...	26 5	26 7	M.A. in the 2nd division and F. L. in the 1st division.
14	" Jyotish Chandra Ghosh.	Calcutta ...	27 5	...	B. L. in the 2nd division.
15	" Indu Bhushan Biswas	Bakarganj ...	27 3	27 5	B. L. in the 2nd division.

Questions and Answers.

II.

Names of candidates who have been removed from the list of enrolled candidates.

Serial No.	NAME.	Residence.	Age at the time of removal.	Educational qualifications.
			Y. M.	
1	Babu Ashutosu Chakrabarti ...	Pabna ...	28 10	M. A. in the 3rd division and B. L. in the 2nd division.
2	" Rajendra Lal Mitra ...	Hooghly ...	28 6	B. L. in the 2nd division.
3	" Priya Nath Ghosh ...	Dacca ...	28 2	M. A. in the 3rd division and B. L. in the 2nd division.
4	" Krishna Chandra Chatterji ...	Hooghly ...	28 9	B. L. in the 1st division.
5	" Kali Das Sen ...	Khulna ...	28 9	M. A. and B. L. in the 2nd division.
6	" Shibbanarayan Basu ...	Calcutta ...	28 1	M. Sc. in the 3rd division and B. L. in the 1st division.
7	" Gyanendra Nath Datta ...	Midnapore ...	28 10	M. A. and B. L. in the 2nd division.
8	" Kshitish Chandra Bhattacharji ...	Mymensingh ...	28 7	B. L. in the 1st division.
9	" Paresch Chandra Basu ...	Mymensingh ...	28 9	B. L. in the 2nd division.
10	" Nagendra Kumar Bhattacharji ...	Murshidabad ...	28 9	B. L. in the 1st division.
11	" Atindra Nath Mukharji ...	Nadia ...	27 11	M. A. and B. L. in the 2nd division.
12	" Girija Bhushan Mukharji ...	Calcutta ...	28 5	M. A. and B. L. in the 2nd division.
13	" Saroj Mohan Mukharji ...	Calcutta ...	28 6	B. L. in the 2nd division.
14	" Rajendra Chandra Ghosh ...	Murshidabad ...	28 2	M. A. in the 3rd division and B. L. in the 2nd division.
15	" Hiralal Maitra ...	Faridpur ...	28 4	B. L. in the 1st division.
16	" Debendra Nath Sanjal ...	Mymensingh ...	28 9	M. A. in the 2nd division and B. L. in the 1st division.
17	" Brojendra Nath Lahiri ...	Faridpur ...	28 6	B. L. in the 1st division.
18	" Kricanta Nath Maitra ...	Rajshahi ...	28 1	M. Sc. and B. L. in the 1st division.
19	" Paresch Nath Basu ...	Dacca ...	28 7	M. Sc. and B. L. in the 2nd division.
20	" Jitendra Kumar Sen Gupta ...	Noakhali ...	28 5	M. Sc. in the 2nd division and B. L. in the 1st division.
21	" Padma Lochan Ganguli ...	Nadia ...	28 9	M. A. in the 3rd division and B. L. in the 2nd division.
22	" Pramod Nath Ray Chaudhuri ...	Noakhali ...	28 2	B. L. in the 1st division.
23	" Debendra Nath Gupta ...	Bakarganj ...	28 0	M. A. and B. L. in the 2nd division.
24	" Ban Bilhari Sarkar ...	Nadia ...	28 5	M. A. in the 3rd division and B. L. in the 2nd division.
25	" Nirmal Chandra Das Gupta ...	Bakarganj ...	28 7	B. L. in the 2nd division.
26	" Manamohan Kanjilal ...	Noakhali ...	28 2	M. A. and B. L. in the 2nd division.
27	Maulvi Abdus Sobhan ...	Tippera ...	28 0	B. L. in the 2nd division.
28	Babu Amulya Chandra Banarji ...	Bakarganj ...	28 3	M. A. and B. L. in the 2nd division.
29	Mr. Mazharuddin Ahmed ...	Chittagong ...	28 0	Barrister-at-Law.
30	Babu Umesh Chandra Sen ...	Mymensingh ...	27 11	M. A. in the 3rd division and B. L. in the 2nd division.
31	" Debendra Nath Mukharji ...	24-Parganas ...	28 1	M. A. and B. L. in the 2nd division.
32	" Nalini Kanta Basu ...	Khulna ...	28 2	M. A. in the 3rd division and B. L. in the 2nd division.

*Questions and Answers.***By the Hon'ble Rai Mahendra Chandra Mitra Bahadur:—****23.**

Desecration of
the image of
Saraswati by
Mr. A. B.
Johnston.

Will the Government be pleased to lay on the table a copy of the petition of complaint and of the judgment by the Presidency Magistrate, Calcutta, in connection with the action of Mr. A. B. Johnston, Acting Principal of St. Paul's Cathedral College, Calcutta, in throwing the image of *Saraswati* into a dustbin in Amherst Street, Calcutta?

Answer by the Hon'ble Mr. Duval:—

"Copies of the petition and the order of the Presidency Magistrate are laid on the table."

Documents referred to in the answer by the Hon'ble Mr. Duval to question No. 23 (Unstarred) asked by the Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR at the Council meeting of the 3rd April, 1919.

**IN THE COURT OF THE NORTHERN DIVISION PRESIDENCY
MAGISTRATE, CALCUTTA.**

JITENDRA LAL BANERJEE, of 84, Sitaram Ghosh's Street, Calcutta.

versus

A. B. JOHNSTON, of 33-1, Amherst Street, Calcutta.

CHARGE 1—Under Section 295, I. P. C.

Facts in brief.

The complainant is a member of the Hindu community and is a Hindu by faith and practice. The accused is a Christian and is the Principal of the St. Paul's Cathedral Mission College, Calcutta. As Hindus, the complainant and other members of the Hindu community worship *Saraswati*, the goddess of Learning, and hold her image as a sacred object.

This year some Hindu students of the St. Paul's College performed the worship of *Saraswati*, by erecting an image and with proper ceremonial, on the 5th of February last, at a house in Nursing's Lane. But as the house had to be vacated on the very next day and as the said students could not arrange for the immersion of the image so had the same removed on 6th February, 1919, to the dining-hall of a Hindu mess attached to their college and located within the college precincts. The accused, on receiving information of this, came down from his quarters, enquired of some students as to why the image had been brought there and by whom, and directed it to be removed at once. Accordingly the students instructed a Hindu servant of theirs to take back the image to the place where it had been worshipped and keep it there for the night. It being past 9-30 P.M. the students could not leave their quarters to accompany the servant; but the accused followed the servant outside the compound and there ordered the servant to deposit the image on the footpath. The servant having done so, the accused caught hold of the image and threw it into a dustbin which stood near by and which is meant as a receptacle for street refuse, thereby defiling an object held sacred by the complainant and the Hindu community generally and committing a grave and wanton outrage on the feelings of the Hindu community.

The accused was asked to apologise but has not done so though sufficient time was granted to him for the same.

Questions and Answers.

Complainant prays for process against the accused under section 295, Indian Penal Code.

CALCUTTA,

(Sd.) JITENDRA LAL BANERJEE.

The 18th February, 1919.

(Sd.) B. N. DUTT,

Pleader.

Order on the back of the petition :—

Apology—put in file.

(Sd.) E. KEAYS—5-3-1919.

By the Hon'ble Babu Bhabendra Chandra Ray:—

24.

(a) Is it a fact that the late Mr. B. Pal Chowdhury, zamindar of Nadia, left a bequest of a considerable portion of the income of his estate, estimated at between 30 to 40 thousand rupees a year, to the District Board of Nadia, for the purpose of establishing and maintaining primary schools in villages appertaining to his estate, and also for establishing and maintaining a technical institute in Krishnagar or in any other suitable place within the estate?

Bequest by the late Mr. B. Pal Chowdhury for establishment of primary schools.

(b) If so, will the Government be pleased to state what steps have been taken by the District Board of Nadia in the matter?

Answer by the Hon'ble Mr. O'Malley:—

“(a) Government are informed that in his will Mr. B. Pal Chaudhury, zamindar of Maheshganj, Nadia, made a bequest under certain conditions of a percentage of the profits of his estate approximately for the purposes mentioned in the question.

(b) It is reported that the District Board has for some years past been trying to obtain the money from the trustees of the estate, but have met with the reply first that there were no profits up to the end of the Bengali year 1324 and recently that the scheme contained in the will for the appointment of a Board of Trustees is not valid in law and that the Board which was formed has no *locus standi*.”

By the Hon'ble Babu Bhabendra Chandra Ray:—

25.

(a) With reference to the answer to my unstarred question No. 9 of the 5th March last, regarding free-studentships in primary schools, will the Government be pleased to state whether the rules for the award of free-studentships in Government and Government-aided schools, referred to therein, prescribe any maximum number of such studentships?

Free-studentships in primary schools.

(b) If so, what is the purport of such rules?

Answer by the Hon'ble Mr. O'Malley:—

“(a) and (b) A copy of the rules for the award of free-studentships in Government as well as in Government-aided schools is laid on the table.”

Questions and Answers.

Rules referred to in the answer by the Hon'ble Mr. O'MALLEY to question No. 25 (Unstarred) asked by the Hon'ble BABU BHABENDRA CHANDRA RAY at the Council meeting of the 3rd April, 1919, for the award of Free-studentships in Government as well as in Government-aided Schools.

1. (a) Free-studentships in Government schools under the control of managing committees are awarded by the committee.

(b) The Inspector and the Inspectress of Schools control the award of free-studentships in Government schools for boys (including mixed schools) and Government schools for girls, respectively, which are not under managing committees.

2. Teachers in Government schools, drawing salaries not exceeding Rs. 50 a month, are allowed the privilege of educating, in the school in which they are employed, one child free and one child at half the usual rate of fees. Head Masters or Head Mistresses may grant these concessions.

3. Government pensioners (other than menials) who have retired from service in the Department of Public Instruction, and whose pensions do not exceed Rs. 25 a month, may be allowed the same privileges as teachers in Government schools. The concessions may also be extended to the orphans of officers who died in the service of the department while in the receipt of pay not exceeding Rs. 50 a month; and also to the orphans of pensioners of the department (other than menials) who were drawing pensions not exceeding Rs. 25 a month.

4. In Government as well as in Government-aided schools the numbers of non-Muhammadian and Muhammadian free students will ordinarily be five per cent. of their respective enrolments, excluding free places granted in terms of the two preceding rules as well as scholarship-holders who have been granted free tuition.

5. In view of the backwardness of the Moslem community, Muhammadian pupils in Government as well as in Government-aided schools will be allowed additional free places (over and above those provided for in the preceding rule) up to a limit of a further ten per cent. of their own enrolment.

6. No pupil shall be eligible for a free-studentship who is above the age-limits prescribed in the Appendix on the 1st January of the year in which the award is made.

7. Boys above those age-limits, who have already been awarded free-studentships, may be allowed to enjoy these privileges so long as they fulfil the condition laid down in rule 8.

8. Free-studentships are awarded on conditions of good conduct and satisfactory progress as determined by school examination.

APPENDIX.

Age Limitation.

DACCRA, CHITTAGONG AND RAJSHAHI DIVISIONS.				PRESIDENCY AND BURDWAN DIVISIONS.			
Class.		Age-limit for free students.		Class.		Age-limit for free students.	
		Years.				Years.	
X	16	I	...	...	16
IX	15	II	...	...	15
VIII	14	III	...	...	14
VII	13	IV	...	...	13
Standard.				Standard.			
VI	12	VI	...	...	12
V	11	V	...	...	11
IV	10	IV	...	...	10
III	9	III	...	...	9

Questions and Answers.

By the Hon'ble Babu Bhabendra Chandra Ray:—

28.

(a) With reference to the Imperial recurring grant of Rs. 9 lakhs for improving the pay and training of teachers, have the Government drawn up any comprehensive scheme for the utilization of this grant?

Imperial recurring grant for improvement of pay and training of teachers.

(b) If so, will the Government be pleased to indicate the outlines of the scheme?

Answer by the Hon'ble Mr. O'Malley:—

(a) The answer is in the affirmative.

(b) A statement showing how it is proposed to utilise the grant is laid on the table."

Statement referred to in the answer by the HON'BLE MR. O'MALLEY to question No. 26 (Unstarred) asked by the HON'BLE BABU BHABENDRA CHANDRA RAY at the Council meeting of the 3rd April, 1919, showing the main heads on which this Government propose to spend the Imperial recurring grant of Rs. 9,00,000.

Secondary education.	Amount. Rs.	Remarks
(1) Improving the staff and increasing the pay of teachers in Government high schools	3,09,876	The proposal is under discussion with the Government of India.
(2) Improving the staff and increasing the pay of teachers in Government middle English schools	6,120	Sanctioned and money allotted for expenditure.
(3) Grants-in-aid to Municipal high schools for the improvement of the staff of teachers	12,072	Sanctioned and money allotted for expenditure.
(4) Grants for aided and unaided high and middle English schools for the increase of the pay of teachers	1,19,382	The proposal is under discussion with the Government of India.
(5) Grant of local allowances at Rs. 20 per mensem to assistant head masters of five first-grade training or normal schools for vernacular teachers	1,200	Sanctioned and money allotted for expenditure.
(6) Grant of honoraria to selected members of the staff of the practising schools attached to the Dacca Training College	1,350	Sanctioned and money allotted.

Questions and Answers.

Primary education.		Amount.	Remarks.
		Rs.	Rs.
(7)(a)	Increase of pay of each trained teacher in primary schools by Rs. 2 per mensem	1,53,000	
(b)	Increase of the present allotment in order to allow for an increase in the number of trained teachers	41,000	
		1,94,000	Sanctioned and money allotted for expenditure.
(8)	Enhancement of the pay of teachers in girls' primary schools in District Board areas	35,560	Sanctioned and money allotted.
(9)	Payment of a recurring grant of Rs. 15,000 per annum (in addition to the grants sanctioned for primary education) to the District Board, Midnapore, in order to enable it to pay a subsistence allowance of Rs. 3 and Rs. 2, respectively, to the head guru and second guru in aided upper primary schools	15,000	Sanctioned and money allotted.
Secondary Education.			
(10)	Inauguration of a reformed scheme for the training of teachers in boys' primary schools of which the main features are— (i) the provision in a central place in 80 subdivisions of a single training school with class room and hostel accommodation for teachers, (ii) the introduction of a uniform rate of stipends for students under training at Rs. 10 per mensem, and (iii) the appointment in each school of an improved staff.	1,55,440	The proposal is under discussion with the Government of India.
(11)	Construction of buildings for the training schools referred to above	50,000	Sanctioned and money allotted.

By the Hon'ble Babu Bhabendra Chandra Ray:—

27.

Particulars of probable savings under the head "Education" in the Budget estimate of 1919-20.

With reference to the probable savings of Rs. 12 lakhs and odd shown under the expenditure head of "Education" in the Budget estimate of 1919-20, will the Government be pleased to state how this figure has been arrived at, and what particular savings are expected to be made under each minor head?

Answer by the Hon'ble Mr. Donald:—

"The Government of India directed the inclusion in the Budget estimates of the following allotments to give effect to the recommendations of the Calcutta University Commission for—

- (a) schemes recommended by the Commission—Rs. 10 lakhs, and
- (b) the new Dacca University—Rs. 5 lakhs.

Government were of opinion that a decision was not likely to be arrived at on the recommendations of the Commission in time to admit of expenditure

Questions and Answers.

during the year to an amount in excess of Rs. 3 lakhs, and a saving of Rs. 12 lakhs is, therefore, shown against the total of these allotments. Should it be found, however, that a large expenditure is practicable, sums up to the full amount of Rs. 15 lakhs will be available."

By the Hon'ble Babu Bhabendra Chandra Ray:—

28.

(a) With reference to the answer to my unstarred question No. 11 of the 5th March last, regarding the manufacture of salt by Indians, will the Government be pleased to state the "conditions" under which Mr. P. C. Dass of Cox's Bazar desired to manufacture salt, and in what respects the said conditions did not provide adequate safeguards for the Government revenue?

Manufacture of salt by Indians.

(b) How do the said conditions differ from the conditions under which Mr. Glen George is manufacturing salt, in so far as security for Government revenue concerned?

(c) With reference to the two applications made by Surendra Chandra Ghosal and others, as also by Mahendra Chandra Ghosal and others of Chittagong, have the Government made any inquiries from them since they were asked to consult the salt department?

Answer by the Hon'ble Mr. Donald:—

"(a) The applicant desired that no special arrangements should be made for the necessary supervision over manufacture and that no extra preventive staff should be entertained for this purpose till such time as the project was matured. Government concurred in the opinion of the Commissioner of Excise and Salt and of the local authorities that as the manufacture would extend over a considerable area, and as it was quite possible that even with the best intentions the applicant would be unable to guard against illicit appropriations, this condition could not be accepted.

(b) Mr. Glen George has agreed to the employment of a special staff for the purpose of supervising the manufacture of salt.

(c) No."

By the Hon'ble Babu Bhabendra Chandra Ray:—

29.

(a) Are the Government aware of the suitability of the brine on the Chittagong side for the manufacture of salt, and have they any information as to the comparative advantages of such manufacture on the Midnapore and Chittagong sides, respectively?

Suitability of the Chittagong and Midnapore brine for the manufacture of salt.

(b) What steps, if any, have Government so far taken to encourage the manufacture of salt on the Chittagong side?

Answer by the Hon'ble Mr. Donald:—

"(a) The Hon'ble Member is referred to the speech made in this Council by the Hon'ble Mr. Donald on the 22nd January, 1918, in the debate on the resolution moved by the Hon'ble Babu S. N. Ray. While on the one hand the brine on the south of the Chittagong district may be better than that off the Midnapore coast, Chittagong is unfavourably situated as compared with Midnapore in respect of other factors—proximity to the chief markets, coal, etc.

(b) Government have taken no further action than that already indicated in the speech referred to."

*Discussion of the Budget.**Babu S. N. Mukharji.***LIST OF BUSINESS—ITEM No. 2****DISCUSSION OF THE BUDGET OF THE GOVERNMENT OF BENGAL FOR 1919-20.****The Hon'ble Babu Siv Narayan Mukharji** said :—

My Lord, I feel sure I have the concurrence of my hon'ble colleagues in my conviction that we are grateful for the opportunity afforded to us, by the invitation of your Excellency's Government, of advancing our views on the Budget for the coming year which was presented at the last meeting of this Council. Concocted by the brains of able financiers and passing through the deft fingers of expert statisticians the statement, with all its seeming discrepancies punctiliously explained away, its dry-as-dust character relieved by the almost irrefutable logic of expediency and justice, stands out to-day, in all its wealth of details and its hopeful forecast of a year of prosperity, as a finished piece of financial programme for the dawning year. Ordinarily the long arrays of figures which increase the bulk of such statements have either a sleep-inducing tendency or have the effect of scaring away the superficial observer. But, having regard to the abnormal conditions that prevailed during the four eventful years of the great European War, and from the effects of which this country has not yet completely recovered, it may be asserted without fear of contradiction that the Hon'ble Finance Member has deserved well of the country for having rendered real service to the State by introducing a statement which, on its receipts side, reveals a state of prosperity and advancement and on its expenditure side (except perhaps in the case of certain important branches of administration) gives clear indication of a policy of strict economy quite in keeping with the situation created by the war. But, while I feel bound to congratulate the Hon'ble Finance Member on his anticipating still further growth of revenue under stamp, excise and income tax in particular, as also on his providing for a large increase of expenditure under education, sanitation and public works, I cannot help giving expression to a sense of disappointment for the absence of any provision first for bringing down and then regulating the prices of food-stuffs and clothes. In seeking the indulgence of submitting to this House, by way of a digression of outstanding significance, this question of questions, that of the prime necessities of life, I hope I do not expose myself to the imputation which the foremost British statesman of the last century levelled against certain members of Parliament when he declared that "efforts are constantly being made by the different sections of the House of Commons to press for an increase in the public expenditure for the promotion of their own favourite ideas." The prices of food and raiment have gone up beyond all expectation, more in fact than double of what 20 years ago would have been considered as famine prices, and people of all classes have begun to throw up their arms in despair. Is it not, my Lord, time that Government should, even at some cost, devise means to feed and clothe their many millions of subjects at a moderate cost, and with that object in view, will it not be politic, nay, will it not be just, to make some provision in the Budget estimates for the approaching year? But, while I expound the cause of those who are at this hour actually feeling the pinch, I am confronted with the fact that the expected increase in the income under excise is due to the increased consumption of country spirits in certain districts. Paradoxical though it may appear I have my explanation in the fact that I plead not for those low class men who are either employed in the mills or who live on daily wages and have no thought for the morrow and with whom the epicurean doctrine of "eat, drink, and be merry" is the guiding rule of life, but for those of the better classes whose frugality, sobriety and continence are of very little avail in their hard struggle for existence. To them the State is morally bound to render every help in order that they may get on and not die of absolute want. The fact

*Discussion of the Budget.**Kumar S. S. Ray.*

therefore, of the probable revenue under "excise" exhibiting extraordinary elasticity would form an index to the extent of the moral depravity of those sections of the population that would contribute towards it.

We have the assurance of the Hon'ble Finance Member that the imposition of the excess profits duty will result in a loss of income-tax since a rebate will be given. This apparent loss, because only a paper transaction, will, however, be accentuated by the decision of the Government of India to exempt incomes below Rs. 2,000 *per annum*. This latter concession will be hailed by the public as a real blessing, and as such will be thankfully appreciated by them.

The Province cannot be too grateful to Government and to your Excellency personally for the generous provision made in the Budget under Sanitation for combating malaria, which claim over 40,00,000 annually as its victims, and furthermore for your Excellency's humane efforts to run to earth the insidious new malady known as the "hookworm disease," by ordering organized investigations to be made under the regis of medical experts. But, my Lord, I crave the liberty to share the general impression that these maladies, malaria, hookworm, and all the rest, owe their origin to insufficient and unwholesome food, to insanitary habitations, and scanty clothing, and are but the inevitable offsprings of poverty. If, therefore, these evils have to be exterminated, and if real, permanent relief is to be imparted to the millions suffering from these scourges the condition of the ill-fed, ill-clothed masses will have first of all to be improved, and what in modern scientific parlance is known as their opsonic index will have to be raised. Until that is done there is very little hope of all humane efforts in this direction proving of any avail.

The expenditure side of the estimates does not show signs of any especial provision having been made for improving the local habitations and the general status of the primary schools which are going to be started when the Bill of which my friend the Hon'ble Babu Surendra Nath Ray is the sponsor becomes law. For some years past the unspent educational contribution of the Government of India has been allowed to be a veritable dead-letter and to swell the balance at the end of the year. The extent to which the resources of the Province will be drawn upon in giving effect to the recommendations of the education commission is not known; but there is no denying the fact that the demand upon the public revenues will be very large.

I cannot conclude without quoting what the late Mr. Gladstone once said regarding the guiding principles in matters of this kind:—"I admit that public economy is a matter of first importance, but it is not the only principle of sound finance."

The Hon'ble Kumar Shib Shekhareswar Ray said:—

"My Lord, this year's Budget is of special interest to the community which I have the honor to represent in this Council, namely, the zamindars of Bengal. We and our tenants are vitally interested in agriculture, co-operative organization, primary education, village sanitation and general rural development, and I notice with grateful appreciation the liberal manner in which provisions have been made for these subjects in the current year's Budget.

Under the head "Agriculture", I find that arrangements have been made to give a District Agricultural Officer to each district and a new appointment of a Deputy Director of Agriculture has been sanctioned. An increase has also been made in the strength of farm superintendents. Provisions for buildings for imparting agricultural instructions and experimental farms also have received a fair treatment. Allotments to "divisional seed stores" and "public exhibitions", though do not show an increase over last year's

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Budget estimate, yet are in excess of what we find in the Revised Estimate of that year. I also understand that the residue of the special grant made by the Government of India last year, amounting to Rs. 1 lakh, is also available for expenditure this year.

Considering the importance of the subject and the wide scope of development and expansion which this subject affords, the allotments are by no means adequate, but in view of the present general want of activity, and disorganized condition of the Agricultural Department, I ought to say that the funds which have been placed at its disposal are ample and satisfactory for the present. It is to be regretted, my Lord, that the department could not spend the sum that was allotted to it last year under the heads "seed stores" and "public exhibitions", two of the most important items which could bring home to us the practical usefulness of the department. There is a general impression in the public mind that this department is doing no useful work; the other day, my friend, the Hon'ble Maulvi Fazl-ul-Haq, gave vent to this feeling here, in this Council; and I know, my Lord, that his views are shared by a large section of the public, though I, for myself, do not quite subscribe to his views. I have gone through the various reports of this department and I must say that, after all, this department is rendering some service to the country, but I must admit at the same time, my Lord, that this department has practically failed to secure public interest in its work, and the fault, undoubtedly, is to be attributed to the Agricultural Department. The officials here, unfortunately, maintain an aloofness of experts and the reserve of a superior personality. They seem to forget that it is a department, success of which, entirely depends on public co-operation and encouragement from the big landholders. To give an instance, from the reports I find that there is a big establishment at Rajshahi, but I am sorry to observe that though I own a considerable tract in Rajshahi, and have much sympathy in matters concerning agriculture, yet I have not been able to discern any sign of its activity that, independently of its reports, would have led me to believe that there was such an establishment at Rajshahi, which, according to the reports, is, presumably, doing some useful work. My Lord, such is the case almost everywhere as I learn from my friends in other parts of the province. This is a sad state of affairs: without public sympathy the department can never flourish, and unless it co-operates with the public and makes an effort to come in closer contact with the people, all its experiments and researches come to naught. It is, therefore, necessary that this department should be carefully organized to interest the public in its activities. It should not be allowed to finish its duty merely by carrying on experiments and researches away from the public gaze and publishing belated annual reports and issuing occasional statistical returns mostly based on guess-work, nor should we permit it to continue its mysterious methods of distributing seeds, its want of system in giving practical demonstrations, and above all its present stand-offish attitude and exaggerated notions of self-sufficiency. Much surely depends on the various heads of this department; if they are popular, energetic and have a heart in the success of their department they can surely evolve schemes and give effect to them, and thereby make the whole thing a subject of popular interest. This is a matter which, if properly handled, is sure to attract the zemindars and raiyats alike. But, my Lord, it appears that this department is manned, from top to bottom, only by learned experts engrossed in their theoretical experiments and scientific researches. In this way the department will surely become a highly qualified and academically valuable State Research Society, but never an institution from which our average agriculturists might expect some practical help. I would, therefore, most respectfully urge, my Lord, that this department be properly organized on practical lines of public utility and general popularity, and that a man or two, endowed with a little power of imagination, and having some initiative and organizing capacity, be taken into

*Discussion of the Budget.**Kumar S. S. Ray.*

the department, so that, my friend, the Hon'ble Maulvi Fazl-ul-Haq, may not have an occasion next year to denounce the department as he did this year so eloquently, surely not because of its uselessness as a department, but, I think, rather because of its failure to demonstrate its usefulness.

My Lord, I now turn to a more popular department, namely, the Co-operative Department. What the personality of the head of a department and his determination and sincerity of purpose can achieve, is amply illustrated in this department. I am glad to find that this department has received a grant of Rs. 1 lakh in excess of its last years Budget, and an additional grant of Rs. 30,000 for quarters for the Joint-Registrar at Naogaon. Speaking of these quarters, I fail to understand why an out-of-the-way place like Naogaon has been selected for the seat of the Joint-Registrar. Naogaon is a ganja growing tract, and ganja has undoubtedly a peculiar charm about it, and presumably co-operation must have been highly successful among people living in a ganja atmosphere to justify the selection of Naogaon for the quarters of the Joint-Registrar, but as a matter of principle, these seats should be located at the headquarter stations of the districts where these officers would have a much greater field for their work. I am also led to think that a very large portion of the allotment to this department is being absorbed in salaries, and I beg to submit that a larger portion should be spent on propaganda work, including public lectures and publication of useful literature. A decent provision has been made for the development of industrial societies and we eagerly wait to see the schemes which the Registrar is going to give effect to, in this connection.

My Lord, Sanitation has received a very liberal consideration this year. We eagerly look forward to the results of various new investigations that are proposed to be taken up by this department. A lump-allotment of nearly Rs. 14 lakhs has also been made to this department, but no detail of the schemes has been given on which the money is to be spent. The very vagueness about the allotment makes one to entertain the doubt that much of this amount would ultimately go to swell up the opening balance next year. I, however, hope that the Hon'ble Member in charge of this department would be pleased to give us some details regarding the proposals on which the amount is likely to be spent during the year, so that we might know in what way we are going to be benefitted by this generous allotment to this department. I find that a sum of Rs. 10,000 has been provided for a Publicity Bureau in connection with Sanitation. I am, however, afraid that this is a very inadequate provision for the many useful and instructive schemes which the department proposes to undertake in this direction. I would, therefore, strongly urge upon the Government to divert, if possible, to this branch of work, some decent amount from the lump-allotment of Rs. 14 lakhs to Sanitation. It is undoubtedly an excellent idea, but the work must be done on a scale which would enable us to properly appreciate the utility of a work of this nature.

My Lord, influenza has played havoc in the rural areas, and I would have felt much assured if the Government had properly realized the situation and made an adequate provision to combat the disease in these areas. I, however, still entertain a hope that special grants would be made to the Local Bodies to enable them to take precautionary measures against further ravages of this terrible disease in our rural areas.

My Lord, before I conclude, I acknowledge with much pleasure the consideration that has been shown to the petty clerks of the Registration Department, and this tempts me to hope, my Lord, that ere long, your Excellency's Government would do something to improve the condition of the ministerial staff attached to the mufassal courts with a view to enable them to desist from resorting to extortion and other under-hand practices which have become a matter of serious concern to the litigant public in the mufassal.

*Discussion of the Budget.**Sir D. P. Sarbadhikari.***By the Hon'ble Sir Deba Prasad Sarbadhikari** said :—

I congratulate the Hon'ble Sir Henry Wheeler on his lucid presentment of the year's Budget. Its easily intelligible form is very acceptable, and next year further improvement may be possible in the shape of a good index or some method of flagging. There is noticeable increase of expenditure in some of the long neglected directions, and though the increase is not adequate under important headings like education, sanitation, co-operation and productive public works, there is a welcome advance which makes one hope better for the future.

The grant to private colleges through the Director of Public Instruction on the recommendation of the University had been suspended for the past few years. This has told heavily on the situation, and the colleges whose sources are extremely limited have not been able to show the good work that could be well expected of them. The provision of Rs. 3 lakhs made in the Budget for University improvements will not meet the requirements about which I speak. The private colleges require their old grant, and if the arrears cannot be paid off all in one year, the payment ought to be spread over a short number of years. In Calcutta Lord Hardinge's generous hostel gift has, to a certain extent, relieved the situation so far as the residential question is concerned, but the other difficulties continue and both the Calcutta and mufassal private colleges badly require the arrears of this grant as early as possible.

The need of strengthening medical and technological education has been strongly brought out. The primary education bill and the clearly indicated need of improving literacy in connection with the co-operative movement, will put the claims of primary education on an altogether new basis. Anxious enquiries are often made about the Royal special grant for education, but the answer has not proved satisfactory. The pay and prospects of our teachers in the lower grades is another matter of anxiety. It is gratifying that in the higher Educational Service recognition has at last been accorded to some selected members of the Provincial Service; but it will always be noteworthy that the recognition came too late and that men like Sir P. C. Roy ended their career in the Provincial Service. With the end of the war many of the Professors who have rendered admirable war service would be naturally returning to their posts and will have a warm welcome. Their return, however, will naturally displace some worthy men who consented to take up temporary work, and would be now out of service. I would plead for their claims being recognized whenever possible. The success of the Bengal Ambulance Corps inaugurated within two days after the war broke out, which was followed by the Bengali Regiment, the Bengal Light Infantry and the Calcutta University Corps makes one think that the authorities would be inclined to nurse this spirit. If this spirit is to be effectively nursed the Boy Scout movement has to be placed on a more satisfactory footing and compulsory drill should be introduced in our schools and colleges.

This year there has not been the usual crop of resolutions for improvement of the Provincial Executive and Judicial Services. This silence is not due merely to hoarseness of voice brought on by incessant but fruitless cries in the past; nor is it silence of despair or of protest. Some of us successfully objected to the appointment of a fresh committee to consider the recommendation of the Public Services Commission on these subjects. Action in this direction will be immediately necessary.

Though the public does not know much about it, the question of medical service is before what one cannot help calling a service committee. Your Excellency has expressed great solicitude for the future of the medical and sanitary services of your Government, and it is to be hoped that their interest will not be allowed to suffer by any side-issues raised through an agency that does not take the people sufficiently into its confidence. The Sanitary Department and the Sanitary Engineer's Department, that have begun

*Discussion of the Budget**Sir D. P. Sarbadhikari.*

excellent work, have been gradually remoulded for comprehensive work, and it is hoped that in districts city-sanitation will improve in consequence.

It is gratifying to note that important developments in connection with the co-operative movement are in contemplation, and one can only hope that the resolutions adopted in conferences like those at Simla and Calcutta this year and last year, will find acceptance. Without strengthening of the people's finances, by means of sound co-operation, the Reforms for which we are anxiously looking forward and all that is expected in their train, will be indefinitely deferred.

There is an element which cruelly threatens people's prosperity and the strength of the Government from a different direction. Some of our friends in the official ranks took unaccountable pleasure in telling temperance representatives last year that the seeming shrinkage in the people's drink bill was not due to triumph of temperance principles, but to the passing disturbing factors of the moment and that the drink bill will go up with returning prosperity. They have, I am sorry to admit, partially proved good prophets, and though drink does not and cannot lead to prosperity returning, prosperity has apparently led to more drink.

The Hon'ble Member in charge has described the Excise revenue as the mainstay of the finances of the province, or in other words, the Prosperity Budget of Bengal is fattened by alcohol and drugs.

The Excise receipts for 1916-17 were Rs. 1,44,00,000 as against a Rs. 1,84,00,000 for the year before us. According to the revised figures there is a further increase of Rs. 8 lakhs under this head.

The introduction of many reforms, for which temperance workers are very thankful, partly accounts for this formidable increase. In Calcutta and some selected districts the auction system has been replaced by the fixed-fee system. More effective steps have been taken for stopping adulteration and illicit practices. But such abnormal increase makes not only temperance people but the whole country anxious.

I shall not for the moment raise the cry of total prohibition. It must, however, be the temperance cry in the immediate future, whatever the financial results may be; and in a matter like this Government will not be guided by mere considerations of finance. A great experiment is going on in the West and the Far West and nearer home in the Bhojpur State, the results will have to be carefully watched. If the evil is long allowed unchecked embarrassing complications will arise, and the East may have to witness what the West must be ashamed of to-day.

It cannot be questioned that no more than 10 per cent. of the people of Bengal are affected by drink and drug habits so far, and of this 10 per cent. 8 per cent. is guilty of excess and at the most 2 per cent. can be reckoned as legitimately wanting drink and drugs. With a people situate like this it would be very short-sighted indeed not to take early and effective steps for stopping excess in the case of the 8 per cent. and absolutely protecting the large residue of 90 per cent., who by heredity traditions, climatic and economic conditions and social requirements are averse to drink and drugs.

Temperance workers are not the idealists and faddists that former Excise authorities proclaimed them to be and they try to meet the authorities half-way and to get the best that they can out of the situation. The dry educational area in Calcutta, started as an experimental measure, has entirely succeeded and I have no doubt that the experiment will be further carried out not only in Calcutta but in other towns also. Better hours are now in force and a better class of vendors is being secured. It is almost settled that next year 15 country-spirit shops will be abolished, and with regard to location and sites the exertions of the licensing board have commended themselves to the Excise authorities in most instances. I take this

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opportunity of paying a warm tribute of whole-hearted admiration to Mr. A. N. Moberley who, as Excise Commissioner, has done yeoman's service in the cause of temperance, without in the least hurting revenue.

He was loyally seconded by his personal assistant, his deputy commissioners, his superintendents and other officers who have all deserved well of temperance workers and the country. The department is daily having imposed on it more and more responsibilities and delicate duties and as a self-contained department I would do much to see it placed on a more satisfactory footing. Purity and singleness of purpose must be the key-note of the success of the service. I believe in giving credit where it is due, and it is because so much has been done in the past that more is naturally expected in the larger interest that I have the honour to represent.

We must now insist upon effective steps being taken to limit the consumption, both of country and foreign liquor, as has been done in the case of opium. In the 24-Parganas the increase was as much as 79 per cent. as compared with the previous year. In Hooghly the increase is 52 per cent. Similar increase is noticeable in Howrah. In Calcutta the increase is 10 per cent. In the district of Mymensingh the increase was noticeable though in the neighbouring district of Dacca, to its credit, no increase is noticeable. This would go against the theory of increase in country spirits being due to the higher price of foreign liquor, and it will probably appear on closer investigation that the increase is quite independent. For the lay-outsider to get the innerness of the situation is exceedingly difficult, particularly as statistics are not furnished in the same way as is done in Great Britain and other countries where the situation is always closely watched. I am aware that a bold increase in the price and duty has been effected only very recently, namely, from 1st February. It is quite possible that a welcome change may follow this measure, initiated by the incoming Excise Commissioner, Mr. Mukherjee, whom I warmly welcome to the department.

We ought undoubtedly to wait and watch. In the meantime, however, there are some practical measures which may be well commended to the attention of the Government. Is there any reason, for example, why the strength of the country spirits should not be lower? The consumer would be no worse for getting 30 under-proof in the place of 25 or 50 under-proof in the place of 40. It would be all the better for him and revenue would be no worse. In the second instance it may well be urged that the experiment tried in the case of opium, namely, restricted consumption, by placing a limit on the quantity allowed to be sold by each shop, which has led to good results, should, at least in selected areas, be tried in the case of country liquors. It has also been suggested that the mixed system of what is known as off-and-on sale, that is to say, sale by bottles and sale by measures, for consumption on the premises may be done away with and some shops should be restricted to off-sales and others to on-sales at least in Calcutta. Some important changes have also to be introduced in the Foreign Liquor Traffic—the current licensing fee system has to be revised, which, I am sure, would result in a large increase of revenue; the credit sale system has to be stopped immediately and, accounts and records ought to be kept properly.

That is not all. We require powerful counter-attraction as well. I claim with confidence that the difficulty elsewhere is not Bengal's difficulty yet, although a large labouring population from the United Provinces and Bihar has probably contributed to increase of consumption in the mill population and other labouring classes, for which Bengal proper cannot be held accountable. Popular entertainments, cinema shows, lectures and better organised tea-houses in suitable localities will yet counteract the evil.

Not the least important of our safeguards would be a well organized, contented and pure service.

*Discussion of the Budget,**Sir R. N. Mookerjee.*

Increase of revenue ought not to be the passport to an officer's preferment and he ought to feel the strength of security which a well-organized service alone can procure. The officer in this department ought not to enjoy a lesser status and lower pay than members of the Provincial Executive Service. I shall not now attempt to go into this question in detail, as the Public Service recommendations will soon come up for consideration.

It may appear remarkable in a temperance advocate to advocate the betterment of the pay and prospects of the department that he has constantly to challenge and fight. The reason is obvious and simple: better workers and better organization in the department itself is the only chance of temperance principles being ultimately and effectively enforced, for the ill-informed outsider, however critical, can but do little.

The Hon'ble Sir Rajendra Nath Mookerjee said:—

My Lord it is a matter of satisfaction to the people of Bengal that the Government after having indulged in its traditional habit of *laissez faire* for over a century in industrial affairs as compared with other provinces is now showing signs of activity. The increased provisions in the Budget under the heads of Sanitation, Agriculture, Irrigation, Fishery and Development of Industries clearly indicate that the Government is earnest to take an active part in the industrial organization of the province. Agriculture and sanitation are the two important factors in the development of industries, and they are essential for the improvement of the economic condition of the people of this country, especially of the masses. We cannot be fully prepared to expand our industries until we are able to train labour to a higher standard of work. Industrialists in Bengal hailed with joy your Excellency's ardent desire to combat the malady of hook-worm. It is clearly established that this disease greatly impairs the energy and efficiency of our labour, and if this degenerating malady can be completely eradicated from the province of Bengal it will be a great blessing and will help the cause of industry. My Lord, I may be permitted to offer our grateful thanks to your Excellency for your foresight in this matter. Adverse criticisms have been made in this Council in regard to the grant in the Budget of a small sum of money for the expenditure on Fishery. Any one who has read the report of the Industrial Commission on this subject should be convinced of the prospects of this branch of industry in Madras where nearly two lakhs of rupees were expended in 1916-17, and I see no reason why in Bengal we should not be equally successful. In many countries this branch of industry is considered a national asset. In Bengal fish is a staple food and, therefore, Fishery should be organized on a scientific basis not for the sole purpose of increasing Government revenue but to develop this branch of industry in Bengal.

My Lord, attempts have been made by well-known leaders to divert the funds provided for Sanitation, Agriculture and Fishery to other channels. It is painful and hard to believe that our politicians are still not convinced and cannot yet realize that our political regeneration which we all cherish at heart depends upon the development of the industries and resources of the country.

Government have already taken steps to facilitate and improve technical education. It is also believed that Government will be able to give tangible assistance to mufassal municipalities who will be anxious to promote primary education on the lines of the new Act passed the other day, but who will be unable, owing to the poor condition of the people, to meet the increased expenditure that must be incurred. Technical and primary education must precede the progress of the expansion of industry.

The increased provision in the Budget for co-operative societies and the continuance of the support for the improvement of Cottage and Home Industries are calculated to further the cause of the improvement of the economic condition of the masses.

*Discussion of the Budget,**Maulvi Fazl-ul-Haq.*

It is obvious that Government are now seriously directing there attention to these matters, and I beg leave to congratulate the Government and to tender our grateful thanks to your Excellency for the interest Government are now taking for the improvement of the material condition of the province and to express an earnest hope that the Government will year by year steadily increase the Budget grants under the heads I have mentioned as circumstances could permit.

The Hon'ble Maulvi Fazl-ul-Haq said :—

My Lord, in offering a few remarks on this year's Budget, I wish to draw your Excellency's attention to the wasteful expenditure on certain departments, which in my opinion might profitably be stopped, and the saving thus effected utilised for more urgent and pressing needs of the country. I do not know whether your Excellency will condescend to take these remarks into consideration, but I shall feel very much relieved when I have had my say in these matters, because I will then have the satisfaction of having raised a note of warning in time and thereby humbly attempted to have discharged my duty both towards your Excellency's Government and my country.

The first major head of expenditure on which I wish to offer a few remarks is Agriculture. The following figures will show the expenditure under this major head for the present as well as previous years :—

1916-17	...	...	...	...	7,56,116
1917-18	...	...	...	...	7,80,000
1918-19	...	...	...	...	10,80,000
1919-20	...	...	...	...	11,58,000

There is far more beneath this dry roll of figures than appears on the surface. During the three financial years 1916—19, a sum of more than 26 lakhs of rupees has been spent out of the revenues of the country over this particular department, and the public have a right to enquire what beneficial results, if any, have followed all this heavy expenditure. On a question like this, the self-laudatory annual reports of the department are of very little value. The departmental officers have got to justify themselves and their work, and they cannot but speak in the highest terms of their own achievements. The Government resolutions on the annual reports of the working of the various departments cannot also be expected to be too critical : for I believe it is a rule of official etiquette for Government officials not only to say no ill of one another, but to heap even ill-deserved praise on subordinates all along the line. In order, therefore, to get at correct facts and to form an accurate estimate of the working of any department, we have to look outside the pages of official reports and resolutions. We live in this country, and if anything remarkable has really been achieved, it ought to strike the eyes of the lay and unprejudiced public. In order to test the work of this particular department, from the point of view of actual achievements, let us see what the facts really are.

If we turn to the report of the department for 1917-18, we find that the Director of Agriculture claims that during the last 3 years the department has been able to show considerable progress. But when we come to read his summary of the progress it amounts to this, that there is now scarcely "a district in the province where the seed of departmentally-selected varieties has not been distributed." Over and above this, the activities of the department seem to have been confined to certain matters about which a vague idea is conveyed to the public mind by means of the technical botanical terms in which this portion of the report is couched. The most important part of the work is no doubt about the experiments conducted in what is

*Discussion of the Budget.**Maulvi Fazl-ul-Haq.*

known as the Kakhya-Bombai jute and the Indra-Sail variety of rice. This is all the sum total of the results of the many-sided activities of the department for which more than 26 lakhs of public money have been spent during only the last 3 years.

My Lord, the popular feeling is that the department is not being properly worked and that the money spent is disproportionately excessive as compared with the results achieved. This is not my own personal view, but I believe this view is shared by many of my colleagues in this Council and by an overwhelming number of my countrymen outside. My friend the Hon'ble Kumar Shib Shekhareswar Ray has lent the weight of his opinion to the view which I now put forward in this Council, and I am glad that he has spoken out in clear and unmistakeable terms. The following are however the chief points on which efforts should be concentrated to economize expenditure.

First.—There is hardly any necessity for the highly-paid staff which is being maintained by the department. We find that out of the 26 lakhs which I have spoken of as having been spent on the department, a sum of over Rs. 8 lakhs has been absorbed by the salaries and allowances of the Director and his troop of assistants. This is really paying too much for the whistle. I do not object to one or two experts being retained in the department, but most of the other posts ought to be either abolished or replaced by others of lesser value. This is one of the few departments where the head of the department need not be a highly-paid European officer at all. The Director might more properly be an Indian with the necessary qualifications, and I believe there are even now several Indian officers in the department who can be safely placed in charge of the work.

Secondly.—Government must realize that for a large amount of the work of the department, non-official help and sympathy must be sought and secured. It is no use telling us that non-officials are not coming forward in larger numbers. Proper efforts must be made and in the proper spirit, and it will be found that non-officials will come forward far beyond expectation.

Thirdly.—Strict watch should be kept over the amounts spent under the head "touring charges." In last year's Budget a sum of Rs. 55,000 had been allotted, and this year the allotment has gone up to Rs. 66,000. I can assure your Excellency that the major portion of these allotments represents money that has been absolutely mis-spent in the past and will not be better spent in the current year. The system itself is also responsible to a certain extent for all this waste. We are told that there are officers who have spent as many as 28 days out of every 30 days on an average on tour. This is a physically impossible feat and it is obvious that much of the touring can be classed in that category only technically, and ought never to entitle the officer to any touring allowance. Under present conditions, an officer has only to move more than 5 miles away from his headquarters and he is then supposed to be on tour, even though he may be on a visit to his father-in-law's house or to renew old ties with distant relations and friends or have a good time of it with a cousin or a sister-in-law. He is entitled under the rules to be reimbursed from public coffers, and this at so generous a rate that the officer is able not only to recoup himself, but also make a substantial profit which he looks upon as a legitimate addition to his salary. It is difficult for the head of the department to exercise any effective check or control on such irresponsible touring, for the officer concerned has only to mention that he was imparting agricultural education or carrying on demonstrations at some experimental farm, or supervising the demonstration of Kakhya-Bombai jute or distributing packets of Indra-Sail seed for transplanted winter rice. I confess that all these remarks imply a serious reflection on the integrity and honesty of the officers; but I can assure your Excellency that this picture is not at all drawn from my imagination, but generally reflects the popular impression in these matters.

*Discussion of the Budget.**Maulvi Fazl-ul-Haq.*

Fourthly.—More money should not be handed over to the department than can be properly utilized or spent by it. In every case sufficient details ought to be given of the nature of the contemplated expenditure. It is extremely objectionable to hand over large sums to a spending department under the head "Miscellaneous" and then give the officers of the department a blank cheque to deal with this money as they please. We find that under the head of "Experimental Farm" a sum of Rs. 81,580 and under the minor head of "Sericulture" a sum of Rs. 60,000 have been provided for under this vague heading of "Miscellaneous." I can only say that a provision in the Budget for an expenditure of nearly a lakh and-a-half, without any specification of what the expenditure is likely to be, seems hardly a justifiable method of imparting information to the public as to the manner in which public money is going to be spent.

My Lord, I next pass on to another department, where again public money is being wholly wasted under a delusion that the greatest possible good is being done to the people of the country by the activities of the department. I refer to the Department of Co-Operative Credit. Here again I do not wish to underrate the importance of the department itself, for I know very well that co-operation in various forms has produced marvellous results in all civilized countries; and I can have no doubt that, if properly guided, the co-operative movement will also do for my countrymen what it has done for mankind in other parts of the world. Unfortunately, however, in this department too, money is unnecessarily wasted and the tendency of Government is to go on increasing the Budget allotments without waiting to see whether money already placed at the disposal of the department has been properly utilized or not. The Registrar himself is a highly-paid officer on Rs. 1,500 a month *plus* a local allowance of Rs. 150 a month; he has one Personal Assistant on Rs. 400 a month, and 4 joint-registrars, 1 on Rs. 500 a month and 3 on Rs. 400 a month, each drawing a local allowance of Rs. 100 a month. Over and above all these, there is a chief auditor, 22 inspectors, 14 auditors and it is proposed to appoint 20 more inspectors and 2 divisional auditors with a correspondingly large increase in the clerical staff of the department. Now, what is the work which all these officers are expected to do? There are roughly 3,200 co-operative societies of all kinds in the province and if this number is distributed amongst the 64 officers I have mentioned, they will each have about 50 societies a year to look after. Having regard to the fact that the officers of this department are supposed to be exceptionally brisk and active and can spend on an average about 300 days in the year on tour, each officer will have roughly 6 days to devote to a co-operative society in his charge. I do not mean to say that this is exactly what will happen; but this calculation will give the members of this Council an idea of the disproportionately large increase of officers as compared with the co-operative societies placed in their charge. I wish to make the following specific remarks as regards this department:—

First.—The Registrar need not be a highly-paid member of the Indian Civil Service. I believe there is a standing circular order of the Secretary of State that the Bengal Registrar must always be an I. C. S. man; I am speaking from memory, and if I am right in my recollection, this bar to the appointment of other qualified men to the post should at once be removed. In my opinion the Registrar need not be an I. C. S. man at all, but an Indian on a much lower pay.

Secondly.—The Registrar may be given one Personal Assistant, but all his other gazetted appendices should be removed as early as possible.

Thirdly.—Strict control should be exercised over the touring expenses of officers. The same remarks apply here as in the case of officers in the Agricultural Department. There is an allotment in the Budget of Rs. 60,000 as the travelling allowance of officers and establishment; this is simply a monstrous

*Discussion of the Budget.**Maulvi Fazl-ul Haq.*

waste. I have no doubt that a large portion of this amount will be absolutely unjustified expenditure.

I find also the following allotments for this department in the Budget :—

	Rs.
Temporary establishment	15,000
Lump provision for additional establishment ...	32,336
Office expenses and miscellaneous ...	15,000

My remarks with regard to the allotments under the head "Miscellaneous" in connection with the Department of Agriculture apply to these allotments also. As it is, the department can hardly be credited with having usefully spent the money placed at their disposal and it is a bad policy to encourage them in their wasteful expenditure by placing large sums of money without specific limitations as to the manner in which the money is to be spent.

My Lord, I am sorry I had to speak so disparagingly of two departments which have got the possibilities of being amongst the most beneficial of the departments of the administration ; but I have yielded to a sense of duty in making remarks which I should like to have been the very last to make. I can assure your Excellency that I have not given full vent to my feelings ; and it is obvious that the rules of debate to-day impose a serious restriction to a detailed examination of the questions from all points of view. I will, however, make certain suggestions to remedy what I consider to be the present defects in the working of these departments, and I hope your Excellency will take these remarks into consideration. In the first place, the fact must be recognized that without the fullest measure of non-official help and co-operation, all the activities of these departments are bound to end in failure. Non-officials are always ready to co-operate with officials, but in order that the right type of men may be got in adequate numbers, the officials must come forward to enlist non-official sympathy and co-operation in the right spirit. When this non-official help and co-operation is secured the work which is now being done by Government servants should be delegated more and more to non-official workers. It does not stand to the credit of the Department of Co-operative Societies that there are at the present moment only 50 honorary organizers in the field of actual work. It is a mistaken policy to officialize a department like this ; this kind of officialization has produced the most baneful results in other parts of the world, and there is no reason why different results from such a system will follow in India. If non-officials can be secured, a small remuneration by way of travelling allowance (and so forth) will suffice for their compensation and there will be an immense saving effected in the Budget allotments for the departments.

Secondly, till this non-official help is secured, the work that is being done by the present staff of Government servants in the Departments of Agriculture and Co-operative Societies may profitably be handed over to circle officers who will be appointed under the forthcoming Village Self-Government Act. These officers should be entrusted with the actual work of imparting all the knowledge about improved methods of agriculture to cultivators, looking after their agricultural needs and requirements, as also supervising the work of co-operative societies within the area placed in their charge. They ought to have a place of residence within this area of their charge, and they should be required to go out constantly on tour to form a real link between the Government and the people. Several lakhs might be cut down from the Budget allotments under the head of "Agriculture and Co-operative Credit" and might be better utilized in appointing a large number of circle officers for the purpose of supervising the working of the departments like that of Agriculture and the Co-operative Credit.

*Discussion of the Budget.**Raja Hrishikesh Laha.*

My Lord, I had a mind to say a few words about the expenditure on the Police Department, but I find the time at my disposal is limited and, moreover, experience teaches me that all remarks regarding the curtailment of expenditure regarding the Police Department always fall on deaf ears. I would only say that in my humble opinion Sir Henry Wheeler, the Finance Member, ought not to be entrusted with the portfolio of such a spending department as that of the Police.

[The Hon'ble Member having exceeded his time-limit had to resume his seat.]

The Hon'ble Raja Hrishikesh Laha said :—

Your Excellency, I must congratulate the Government on the very satisfactory Budget which has been presented to the Council and which affords little scope for criticism, I am glad to note that ample provision has been made for carrying out urgent and important schemes of sanitary improvement. After the pointed attention which was recently drawn by your Excellency to the alarming prevalence of the hook-worm disease, I welcome the provision made in the Budget for an enquiry into this insidious disease which is sapping the energies and enfeebling the constitution of such a large proportion of the population. Your Excellency, shortly after the assumption of the charge of this Presidency, announced that the carrying out of anti-malarial measures would receive your special attention. I am glad to be able to bear my humble testimony to the methodical manner in which effect is being given in successive years to this most timely announcement.

Provision has been made for the establishment of two new District Agricultural Farms in continuance of the scheme for the distribution of improved paddy and jute seed and for the appointment of nine additional District Agricultural officers. In this connection may I be permitted to add that the agriculturists gratefully appreciate the fact that, in spite of the enhancements of the rates of interest charged by the Government of India to your Excellency's Government, no change has been made in the rate charged by your Excellency's Government for loans to agriculturists. I should like to suggest that portion of the sum of Rs. 1,80,000, which is available for the development of agricultural education, may be profitably utilized in carrying on propaganda work in the direction of popularizing improved methods and implements in carrying out agricultural operations, as is proposed to be done in regard to the education of the people concerning matters of sanitation.

My Lord, now that the Primary Education Bill has been passed, I consider it an auspicious augury that the Government has in hand a sum of Rs. 1,17,00,000, representing the unspent balance of Imperial grants for education, and I do hope that it may be found possible to utilize a portion of this money in assisting district boards and municipalities in disseminating primary education over and above the lump-grant of Rs. 5,50,000 provided in the Budget for the development of primary education.

The Munsiffs are among the most hard-worked public servants. I therefore welcome the provision of Rs. 1,25,000 for the increase of their pay and of Rs. 50,000 for providing residences for Additional Sessions Judges and eleven Munsifs.

My Lord, I am not in favour of starving the policemen, notwithstanding their various short comings. I, therefore, approve of the provision made in the Budget for raising the pay of head-constables. In this connection may I suggest that regard being had to the difficulty experienced in obtaining recruits from Upper India for the rank of the constable an experiment may be made in the direction of attracting Bengalee youths, possessing the requisite qualifications, to the Police Department to join as constables by offering them a slightly higher pay, especially for service in Calcutta. I venture to think that the Bengalee soldiers who have returned from the war would furnish excellent material for such recruitment.

*Discussion of the Budget.**Rai Sri Nath Ray Bahadur.*

I welcome the provision of Rs. 5,000 for a course of training to enable young medical men to take the Calcutta D. P. H. degree, so as to qualify for appointment as District Health Officers.

The demand for D. P. H. men to be employed as District Health Officers is already in excess of the supply, and it will increase year after year.

A salutary provision has been made in the Budget for the payment of half the salaries of Health Officers to be employed by the municipalities. I earnestly hope that the same liberal principle will be followed in regard to the salaries of the additional sanitary staff that may have to be employed by the more progressive municipalities in order to carry out sanitary reforms and improvements. As the District Boards will be required to appoint Health Officers in 1920-21, I hope Government will show equal generosity to the Boards and provide in the Budget for the year for half the salaries to be paid to them.

The Hon'ble Rai Sri Nath Ray Bahadur said :—

My Lord, we are grateful to your Excellency's Government for the grant of fifteen lakhs of rupees for the Dacca University. The University Commission has now finished its labour and we hope that the Dacca University will soon be an accomplished fact. I may here mention that the University will be incomplete without a Medical College. Year before last I brought this matter to the notice of your Excellency's Government, and this year also a resolution to that effect was moved by the Hon'ble Mr. P. C. Mitter, and I am glad to say that on both these occasions Government had been sympathetic to the proposal and was only waiting for the Commission's report. It is a patent fact that the Calcutta Medical College has to refuse admission to a good number of boys every year, most of whom unhappily happen to be East Bengal students. A Medical College at Dacca will thus go to remove a long-felt grievance of the people of my part of the country.

My Lord, there is a feeling in the country and a feeling justified by facts that a large portion of money under Education is eaten up by excessive number of inspection staff and by erecting large magnificent hostels; that paraphernalia engages the attention of the Government more than the actual spread of education. My Lord, the people want education first and not palatial buildings fitted up in the most costly modern fashion. The country is poor and cannot afford to spend so big a sum on mere luxury. There is another aspect of it. It is not the rich alone that come in for education. Our schools and colleges are mostly fed by boys of poor parents. They live in their homes in humble huts and in a modest style. They come to the hostels from the log cabin to the White House. What is the effect of these palatial buildings on the young impressionable boys? They unconsciously adopt a style of living that they can vainly seek to find at home. A feeling of discontent is the result. There is another evil also. The hostel charges are gradually increasing, and is a serious strain on the purse of the poor parents and guardians. General education should not be made costly. It should be within the reach of the people of all classes. I must not be misunderstood to say that I am against hostels and boarding-houses. They are necessary. Our complaint is that hostels should not be fine specimens of Gothic or Saracenic structures embellished with electric lights, fans and other costly unecessaries. The money saved thereby—and I am sure a good decent sum it will be—can best be utilized by educating a comparatively larger number of boys.

The question of waterways in East Bengal stands in need of immediate solution. We are grateful to your Excellency for allotting Rs. 50,000 this year for the improvement of khals at Dacca. The money is rather inadequate. In reply to my interpellation last year the Government was pleased to state that the project report was not completed yet. I believe it is still unfinished and hence this small sum. More than six months in the year the channels

*Discussion of the Budget.**Mr. Philips.*

remain dry and the difficulty of conveyance is great. In order to meet the expenses for re-excavating and keeping in order the silted-up khals I suggested the levy of small tolls on every boat that passes through them. I am sure nobody will grudge it, as the people now pay a much heavier sum for other forms of conveyances and an incalculable benefit can thus be done both in improving the communication and rural sanitation. In East Bengal, specially in the Dacca district, channels are the principal, if not the only means of communication, other means not being feasible. I urge upon the Government to see that the entire allotted sum be spent during the year and, if necessary, more money may be found for the improvement of khals. In this connection I may add that in reply to my interpellation to consider the desirability of either permanently retaining an officer at Dacca or until such time as all necessary projects for improving the waterways and channels are completed, the Government was pleased to state that the question of the desirability of extending the scope of the enquiries was under the consideration of the Government. I now urge upon the Government that in order to effectively carry on the work of the improvement of rivers and khals in East Bengal an Irrigation Division be opened there. I understand that a new headquarters station is proposed to be located at Khulna. Khulna is not suitable to be the headquarters, as it is not the central place. Most of the affected rivers and channels are within the districts of Dacca, Faridpur and Mymensingh in East Bengal, and if the headquarters of the new proposed division be located either at Dacca or Faridpur, the work can most effectively be carried out. Besides, in Sundarbans, only waste-lands will be reclaimed, but here thickly-populated areas will be immensely benefited.

My Lord, we are glad that the Government has granted Rs. 25 lakhs for sewerage at Dacca and has allotted Rs. 3 lakhs for the year. I believe the attention of the Government has been drawn to the speech recently delivered at Dacca by Mr. Williams, where he told a most melancholy tale about the sanitary condition of the town of Dacca, justly described as the most filthy municipality in the world. Though the sum seems to be insufficient to meet the exigency of the situation I appeal to your Excellency's Government that the entire allotted sum for the year be spent during this year and, if possible, more money be found for it. This is a matter which cannot wait any longer. I urge upon the Government to allot a very big sum, if not the entire balance in the next year's Budget. It will not be out of place to mention here that your Excellency's Government has announced the intention to partition the Dacca district. Though I make bold to say that on the face of the very strong protest against the proposed measure, which in the opinion of the people concerned is not at all to their interest, Government will consider the advisability of dropping the scheme altogether; but in case the Government is bent upon doing so, a plea may not then be raised to stop or postpone the carrying out of the project of improving the municipality. So I urge that the sooner it is finished the better.

The attention of the Government must have been drawn to the prevalence of small-pox in Dacca. The people have suffered for want of immediate help. For some days there were no lymphs or only bad lymphs were available. Many people could not be vaccinated in time and, if vaccinated, most of the cases were unsuccessful. I ask the Government to open a lymph depôt at Dacca and direct immediate steps to be taken by the municipality to combat this fell disease.

The Hon'ble Mr. W. H. Phelps said :—

My Lord, I congratulate the Government on the very satisfactory Budget which has been presented to the Council.

I am convinced as a business-man, long resident in this great country, that the welfare of Europeans in India is so bound up with the best interests

*Discussion of the Budget.**Mr. Philips.*

of the Indian people, that it behoves us to work hand-in-hand with the people, and it equally behoves the patriots of India to cherish our comradeship and our energies in the advancement materially and morally of the body politic.

There is, I regret to say, still lingering in the minds of a few of my countrymen a sort of indefinable dread of the loss of prestige lurking in political reform. There was the same honest dread lurking in the minds of English conservatives when compulsory education was advocated in England fifty years ago. The dread was, as I say, an honest one, but it was none the less a misplaced and unnecessary one as was proved before many years had elapsed. The conservatives of the present day are more liberal than the liberals of a former generation, and I have not the slightest doubt that the spirit called liberal will continue to assert itself in English minds as it is striving to do in the minds of the leaders of thought in this country.

Nothing can stop it; I am convinced that it is the will of God. If it were not so, we should not have made the progress we have already made, we should not see the signs of progress we see to-day. We should not see the strivings after education and sanitation, pure food and local self-helpful government in the cities and in the rural districts.

It sometimes raises a feeling of distrust in the minds of the rich and the educated when they see leaders from among the people come forward as champions of the poor, but is not history in this respect repeating its better self? Let us have, therefore, less suspicion of others who have a mind to co-operate for the general good, even if their position in life is lowly and their education in book-learning is defective.

Touching the education of the masses I often think that much more might be done in the matter of hygiene and sanitation, in farming and in the industrial world, if the Government could be induced to set apart a modest sum for a touring department of educational cinematography. Just think how quickly and forcefully conviction could be brought to the minds of the most ignorant and illiterate by a series of living pictures illustrating the advantages of public hygiene! Why, a person might learn in a single hour as much as a reader might learn in a month. And this might be learnt by those who were utterly unable to read.

And look what millions of drab lives might be gladdened for a brief spell and given an impetus to think, by the expenditure of a comparatively small sum. There would be no necessity to build halls and theatres; the entertainments could be given free in the open under the healthiest conditions.

Your Excellency's Government must have noticed that even in such simple matters of the need for elementary education and village sanitation the general education of the masses lags behind legislation; the people are legislated for in advance of demand of any but the more public-spirited few, and even after all your legislation there is a dead mass of inertia to contend with before the benefits of the legislation can be appreciated. How much better it would be if enlightenment could receive first attention so that the people could ask for legislation instead of having it thrown to them or thrust upon them.

It has been observed by the best educationalists that the best form of education is that which equips a young person with a desire to learn and a capacity to think.

Whilst I am on this subject I should like to observe that as a film censor I have constantly regretted that so little provision has been made to suit the requirements and attainments of the Indian youths who flock by their hundreds to cinemas where they are often entertained with English social problem plays and the adventures of very undesirable persons including dacoits and sharpers and even murderers. Many of these poor people will

*Discussion of the Budget.**Rai M. C. Mitra Bahadur.*

spend a day's pay on an entertainment which is of less than doubtful good to them, although quite harmless and even of positive benefit to others of European tastes and education.

It is notorious that stripped of all the accessories of gorgeously-decorated theatres and other luxuries the cinema in itself is about the cheapest form of entertainment and most instructive and might easily be provided in the open, immediately after sunset, free of all charge in rural districts, and would not only entertain the populace, but afford them something to think about, and develop a desire to improve their condition.

It is quite possible to attach too much importance to cheap labour. Conservative minds are apt to make this mistake, but English employers are becoming convinced that what we want most urgently is efficiency even at the price of better wages.

There has been too much restfulness and contentment in India with the one-man-one-job kind of contentment which prohibits a man or woman from extending their usefulness to their employers. So long as this remains a special feature of the average Indian, so long as he refuses to become more versatile and accept new ideas, so long will he relegate himself to the restrictions of grinding poverty.

My Lord, in making these remarks of a general nature I do not claim a mandate from anyone but my own experience, but I have lived long enough in India to love it and I am prepared to devote the rest of my days to the service of this great country.

The Hon'ble Rai Mahendra Chandra Mitra Bahadur said :—

My Lord, I beg to congratulate your Excellency's Government for a larger grant made this year under the head of Sanitation for the lasting benefit to the people. I invited the attention of your Excellency's Council by moving several resolutions and also asking many questions in connection with the pollution of the water of the Bhagirathi, the Amta Drainage Scheme in the district of Howrah, the improvement of the Berhampore Sluice in the district of Murshidabad, famine relief for Bankura, prevention of floods in the districts of Howrah, Hooghly, Burdwan and Midnapore, the appointment of some additional district judges, subordinate judges and munsiffs to relieve the congestion of judicial work which is steadily increasing in several districts, the improvement of the pay of the officers of the provincial judicial service, the establishment of the hygiene institute, and a new medical school to afford increased facilities for medical education, the new eye hospital at the medical college, Calcutta, the increase in the number of district agricultural farms as well as district agricultural officers and seed stores and the establishment of agricultural middle schools at Chinsurah and Dacca. On behalf of the public, I thank your Excellency's Government for providing funds for all these items in the Budget for 1919-20.

My Lord, the Hon'ble Finance Member should be congratulated on the aggregate increase of revenue, but I feel disappointed to point out to your Excellency's Council that a portion of it has not been applied to minimise the suffering of the loyal band of hard-working clerks drawing a salary of Rs. 100 or less per month who are ungrudgingly offering their best services in the various departments of your Excellency's Government within the presidency of Bengal.

I deeply deplore the fact that nothing has been done as yet for improving the prospects of the teachers in the subordinate educational service, specially those in the lower subordinate grade. Owing to high price of food-stuffs and other necessities of life, the sufferings of these under-paid teachers employed in Government Schools are evidently on the increase, and

*Discussion of the Budget.**Rai M. C. Mitra Bahadur.*

it is certainly a disgrace to the Department of Public Instruction which has so long overlooked the just claims of these loyal servants who are devotedly rendering most valuable services to our country by training children, the future citizens of the Empire. It is a pity that persons responsible for the efficient administration of this department have hitherto failed to cure the gravest evils of the existing system. I was surprised to go through the revelations made at Dacca in connection with the social service exhibition which was opened by your Excellency the other day and proceedings of which appeared in the columns of the *Englishman* of 8th March last that "Indian school-masters are worse paid than coolies." Something substantial ought to be done to improve the material prospects of these teachers in villages.

In the current year's Budget, I hope and trust that the Hon'ble the Director of Public Instruction will fully utilise the amount of money sanctioned by Government for expenditure during the present financial year and under his administration the expenditure during this year will not again fall short of the sanctioned estimate as in the year just past.

From the reply given to me by your Excellency's Government at a meeting of the Council held on the 26th November last, I understand that the amount of surplus or rather profit to Government from the Hindu and Hare Schools, Calcutta, during the last six years from 1912-13 to 1917-18 amounted to more than Rs. 24,000 and Rs. 36,000, respectively. Referring to pages 16 to 24 under the head of Hindu and Hare Schools, in the printed list of staff of the Government Educational Institutions in the Presidency of Bengal, corrected up to 1st April 1918, and published by Government, I am really sorry to bring to the notice of your Excellency's Council that in spite of a very large surplus of money being available annually from these premier schools of Bengal, salary of most of the teachers employed in these institutions offers little or no inducement to competent men to work with full energy. The teachers find it very difficult to make both ends meet and maintain the members of their family and dependants in these hard times. The initial pay should be raised at once according to rank held by each of the teachers, and provisional arrangements should be made at once for the payment of bonus and house allowances to these deserving men out of the large surplus derived from these schools. The higher rate of fees are levied from among the students of these schools; many of the private schools in Calcutta, including some recently-established ones, which charge lesser fees from students, are already fitted with electric fans; but unfortunately the Hindu and Hare Schools are still without electric connections. The provision for electric fans for nearly 600 boys of well-to-do classes in each of these schools is not a matter of luxury, but it is a matter of urgent necessity owing to the unprecedented heat of the summer. I hope and trust that your Excellency's Government will take immediate steps to remedy these gravest defects in the premier schools of Bengal which are under the direct supervision of the Principal of the Presidency College, Calcutta, and the Hon'ble the Director of Public Instruction.

The allotment for industrial and technical education is not adequate. Materials for the manufacture of pulp for papers abound in Bengal. These should be fully utilised. Definite steps should be taken by your Excellency's Government for the revival of the sugar industry in the different districts of Bengal. I hope that with the introduction of responsible Government in the near future and in connection with the scheme of constitutional reforms in the direction of separating Imperial and Provincial finance, impetus should be given by your Excellency's Government to the earnest desire on the part of the people to take to industrial pursuits. More money should be spent and the amount as provided in the Budget should be fully utilised in connection with irrigation works in Bengal for the development of the insecure industry of agriculture and minimise the sufferings of the raiyats. Immediate effect

*Discussion of the Budget.**Maulvi Abul Kasem.*

should be given by your Excellency's Government to the recommendations of the Industrial Commission so as to improve the economic condition of the people and relieve their acute distress caused by the war.

The Hon'ble Maulvi Abul Kasem said :—

"My Lord, my Hon'ble friend Kumar Shib Shekhareswar Ray began his speech by saying that this year's Budget was of great interest to the land-holding classes whom he represents in this Council. I think, my Lord, that this year's Budget has got a peculiar interest to the locality from which I come. In the first place as an inhabitant of the Burdwan district and representing a constituency in that division, I would be failing in my duty if I did not express my gratitude to your Excellency's Government not only for the provision made in the budget for mitigating the effects of the floods of the Damodar and the Ajoy, but also for the steps and measures adopted for giving effect to it. My Lord, it is more than half-a-century that the people of a large tract of land in the Burdwan Division suffered from damages on account of the inundations from the rivers Damodar and Ajoy. The question no doubt engaged the attention of the Government of Bengal but nothing substantial was done to relieve the distress. It was reserved for your Excellency's Government to take effective measures to mitigate the effects of the damages, and I am glad to acknowledge and I do it with gratitude, that in this matter at least Your Excellency's Government have not followed the usual habit of dilatoriness in all Government proposals and measures, and that the matter of this flood has been taken up by Government in right earnest and I believe and trust that the battle of these two rivers has been fought and I hope will be won in the very near future.

I have also to thank your Excellency's Government for the provision made for starting a zilla school in the town of Burdwan. Burdwan happened to be one of the two districts in Bengal without a Government High School, and we are thankful to your Excellency's Government for supplying us with this High School which was a great necessity in the town of Burdwan. I am personally interested in it as I happened to place a proposal like this before your Excellency's Government about a couple of years back. I have further to thank your Excellency's Government for selecting Burdwan as one of the first places where to start a medical school. The need of medical schools is no doubt keenly felt all over Bengal and I hope and trust that more medical schools will be started very soon and provision made for them; but as a Burdwan man I must express my gratitude, for the one is which about to be established in my native town.

My Lord, the people of this province fully appreciate, and gratefully appreciate, the endeavours made by your Excellency personally and by Government to fight the battle of malaria, and we at the same time appreciate the services rendered by Dr. Bentley in the matter of minimising the effects of malaria and preventing it. I think, my Lord, that in spite of all that has been said in this Council by my friend Hon'ble Maulvi Fazl-ul-Haq a little more money is needed by Dr. Bentley to carry on the programme which he has in view. I think that he not only wants a larger sum for the experiments he wants to carry on but also to give actual relief to the people.

It is an old tale, my Lord, to talk of police expenditure and if I refer to it it is not again to raise up the old cry; but I say that although police expenditure has gone up by leaps and bounds in these few years, I am afraid there has been no material improvement in the pay and prospects of police Inspectors or Sub-Inspectors or even constables on whom, your Excellency's Government will admit, the brunt of the work falls. At this time when our resources are limited and we want more money in various other departments, I venture to submit that the raising of the salary of the members of the Indian police is rather extravagant.

*Discussion of the Budget.**Maulvi Abul Kasem.*

My Lord, I think we have in this Council more than often brought to the notice of Your Excellency's Government the need for a larger number of Muhammadan hostels, both in and outside Calcutta and Dacca, and to-day I want again to press that Government should take steps to establish hostels for Muhammadan boys at all important centres of education. The question of Muhammadan education is a serious matter, not only in the interests of Muhammadans themselves but in the interests of the whole province, because as long as the Muhammadans are not properly and as well educated in such proportions as their Hindu fellow-countrymen they are bound to be a dead-weight on the other communities in their march for progress and advancement as well as for a responsible Government.

We are grateful to Your Excellency's Government for the promise made by the Director of Public Instruction that they are thinking of providing for a larger number of Muhammadan scholarships in primary and secondary schools, and I trust that effect will be given to the promise at an early date.

My Lord, during the official year that has just closed we had in this province an epidemic of influenza which at least in my part of the province has been followed by an epidemic of cholera and small-pox, and a large percentage or rather an appreciable percentage of my countrymen has fallen victims to these diseases, and in my humble way I beg to suggest to Your Excellency's Government that in these days when medical aid is not available in the rural areas a system of travelling dispensaries should be started and Government should take the management of these dispensaries in its own hands. No doubt attempts have been made by District Boards to relieve the people, but the resources of the District Board being limited and their arrangements defective, by the time they could arrange for it, great loss had already been sustained.

My Lord, a few years back, when discussing the Financial Statement, I made a proposal that to further Muhammadan education some aid should be given to the private institutions, aided or unaided, on the condition that they provided facilities for the teaching of Arabic and Persian in their schools and colleges, and I again repeat that request because it has been times without number mentioned in this Council that Muhammadan boys find difficulties in getting education in colleges and a prayer for a Muhammadan college has also been made, but the difficulty to some extent would be solved if we find that in colleges and high schools provision is made for the teaching of Arabic and Persian because Muhammadan parents hesitate, and rightly hesitate, to send their boys to schools where they cannot receive an education suitable to Muhammadan boys.

My Lord, my hon'ble friend Maulvi Fazl-ul-Haq has said that the expenditure on the Department of Agriculture has been very high. I am sorry I cannot and do not agree with him in that; the expenses have been not very high. I agree with him up to this, that the department has not been as well managed as he or others of our countrymen could wish, but I think I shall not be far wrong if I say that of late the department is making a steady progress and the experiments made by the department are now proving very useful, but I am sorry that I cannot say the same thing about the Department of Co-operative Credit Societies.

My Lord, by a resolution of which notice was given in this Council by one of the Hon'ble Members, attention was drawn to the fact that there was great distress among the cultivating classes on account of the high prices of commodities, and I think Government should take some steps to relieve the distress, and I humbly suggest that one of the measures which would be adopted, if it is practicable to adopt it, would be to prevent the export of food-grains and cotton goods from this country because we are absolutely in need of them and cannot supply our own needs and demands.

*Discussion of the Budget.**Rai R. C. Pal Bahadur.*

Lastly, before I conclude, my Lord, I would venture to say that even though I am afraid my proposals will be characterised as preposterous, and with due deference to the opinion of Sir R. N. Mookerjee, I beg to submit that we—at least a large section of the people—have not been convinced that the Department of Fishery has been doing any good in this province. We have had an experienced and able member of the Indian Civil Service and an experienced member of the statutory service at the head, helped by experts brought from Europe, but all the same, up till now there has neither been an improvement in the supply of fish or fish cultivation, nor has there been any increase in the revenue of Government; at any rate the industry may be very useful but the working of the department has proved absolutely a failure, and I think it is extravagance to spend any more money on that department.

The Hon'ble Rai Radha Charan Pal Bahadur said :—

I thank the Government for furnishing us with more detailed information in connection with the Financial Statement of this year than had been the practice hitherto. The civil Budget Estimate for the year 1919-20 enables us to understand the figures in the Financial Statement much better than the lump sum figures in the Budget. But our main complaint has not yet been remedied. The Finance Committee comes into existence late in the year and cut-and-dried statements of new works are placed before them. A bare statement of probable receipts and expenditure under main heads is furnished, and the whole business is finished in two or three sittings. The detailed Budget is placed before the Council and, except a general discussion, no practical results ensue. Transfers and reappropriations in the Budget are freely and extensively made during the year, and the Finance Committee which ceases to exist during the rest of the year have nothing to do with them. The Council is in blissful ignorance of the changes made in the Budget during the course of the year of the progress of sanctioned works, of any new projects undertaken, or of projects abandoned. A thorough change in the method and procedure of dealing with the Budget in the Council is required. I venture to reiterate my suggestion that the Finance Committee should be made a Standing Committee and should be authorised to examine and deal with all proposals which tend to vary the Budget as finally passed in the Council and to keep watch over expenditure. Otherwise the control exercised by the Council is illusory. The progress and development of the country whether sanitary, educational, industrial or in any useful direction depends upon finance and its proper utilisation. The people want to be associated with the Government in this matter. With this intimate knowledge of the finance of the country the non-official members may be in a better position in submitting their proposals and to see that the schemes are executed in time and that the allotments may not lapse. The Reform Scheme contemplates that Standing Committees of non-official members are to be attached to all provincial departments. I believe that the Reform Scheme will not come into operation before another 12 months or more, and is it too much to hope that Your Excellency's Government will be pleased to anticipate the coming change and allow this Council to appoint a standing Finance Committee at the beginning of the financial year?

Forests.—One source of revenue which augments the resources of the country without inflicting any hardship on anybody is the yield of the forests. The estimated receipt is less by 2 lakhs than the revised estimate of last year for which an explanation has been given. But I believe this revenue is capable of improvement. The development of forest produce will also help in the industrial advancement of the country. May I have some information as to what steps are being taken to increase the forest products and how they are being utilised?

*Discussion of the Budget.**Rai R. U. Pal Bahadur.*

Excise.—The excise revenue is going up by leaps and bounds. The actuals in 1917-18 amounted to Rs. 156½ lakhs. The revised estimate for 1918-19 amounts to Rs. 178 lakhs and the Budget estimate for 1919-20 Rs. 187 lakhs. The total revenue in Calcutta alone in the year 1917-18 was 57½ lakhs out of a net revenue of 146 lakhs for the whole province, i.e., nearly 40 per cent. of the total revenue. It is therefore desirable that Government should devote a portion of this revenue in improving the condition of primary education in Calcutta and thereby help to spread literacy. The Corporation of Calcutta is also willing to help the Government in this matter.

In Bombay the Corporation gets a revenue of nearly 12 lakhs from excise and tobacco licenses, not to speak of 16 lakhs from octroi. This enables the Bombay Corporation to make liberal provision for primary education in the city. Calcutta, if I am right, contributes the bulk of the provincial revenue. The enormous revenue realised from income-tax, law and justice and stamps from this city in addition to excise forms the main financial strength of Government. Cannot the city, therefore, expect a fair and reasonable contribution for the primary education of its children who, properly trained and educated, constitute an asset to the country?

Education.—For years past I have been crying hoarse over the neglected condition of female education. My chief concern is the orthodox Hindu girls' education. While a capital grant of one lakh is budgetted for the Calcutta Girls' School which is evidently intended for European and Anglo-Indian communities, I regret the Government seems to be apathetic in the matter of the education of Hindu and Muhammadan girls. There is only a trifling provision of Rs. 22,000 for zenana teaching in East Bengal and Rs. 42,000 for the training of mistresses and Moslem women teachers which no doubt include lady teachers of all classes. Is this quite adequate for the promotion of education of Hindu and Muhammadan girls of the orthodox class? The present system of female education is unsuitable for orthodox Hindus, and I believe also for Muhammadan girls. The courses of study, lessons, etc., should be made to conform to orthodox rules if we are not to be denationalised. Special schools should be started on new lines approved by the community at large in which western ideas should not prevail. A Committee, if I remember aright, was appointed a few years back with Sir Asutosh Mookerjee as President, to devise a scheme for the education of Hindu girls, but nothing has been heard of it. It is high time that a comprehensive scheme should be framed and the public given an opportunity to express their opinion on it. Such popular schools for girls as the Mahakali Patahala and others should be given all aids, and additional schools should be established in different parts of the country.

Commercial and Technical Education.—It is high time also for larger allotments to be made for the improvement of commercial, technical and industrial education. The commercial school in Calcutta should be improved and enlarged and commercial education should be encouraged by providing outlets for the employment of successful students. The mining schools in the colliery districts should be placed on a firm footing and greater facilities should be given for the admission of boys into the mining class of the Sibpur Engineering College by removing age and other restrictions. The rules for the admission to the Sibpur Engineering College generally should be revised so as to enable those who have not got university education but are otherwise fitted by general education, training, intelligence and inclination to pursue engineering education to enter its portals. I am grateful to Government for the assurance lately given that a Technological Institute is to be established in Calcutta. This has been deferred too long. May I ask whether it is likely to be an accomplished fact during the next year? In this connection I would like to be informed what steps are proposed to be taken to give effect

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to the recommendations of the Indian Industrial Commission. Provision of Rs. 2½ lakhs has been made for the development of industry. May I enquire how it is proposed to utilise this sum?

Medical.—I am glad that Government is taking steps to spread Medical education.

A provision of Rs. 1½ lakh has been made for the improvement of the pay of I. M. S. officers.

Assistant Surgeons.—The Assistant Surgeons are an efficient and hard-worked body, and their number is inadequate. Wherever they may be in the remote mufassal stations or in rural villages, they work unremittingly to save the lives of the people, and yet their minimum pay is Rs. 100. Will not the Government kindly consider the grievances of the Assistant Surgeons and increase their emoluments?

Sanitation.—It is gratifying to find that the lump grant for Sanitation has been raised from Rs. 8,50,000 to Rs. 13,70,000, but neither in the sanitation Budget nor in Budget Item 43 (Minor works—Navigation) provision has been made for the improvement of the Bhagirathi river.

Improvement of the Bhagirathi river.—The safety of the port of Calcutta is connected with this river. I understand the Bhagirathi was recently surveyed, but with what result it is not yet known. If the upper reaches are well maintained, then there will be no want of good drinking water on both sides and consequently malaria and cholera will not be able to play havoc.

New Bridge across the Hooghly.—In connection with Bhagirathi river I would like to know how the question of building a new bridge across the Hooghly stands at present, when we may hope that this scheme will materialise, whether the floating bridge will be shifted higher up for direct communication between Northern Howrah and the city. The river system of the Presidency should be improved by the removal of silt and other obstruction, and good and wholesome water provided throughout the year in several parts of Bengal. I do not presume to offer any advice or suggestion to Government on this matter, but as the Government coach moves slowly, it would be interesting to know what is the Government scheme on the subject and what progress has been made in this connection.

Reserved tanks.—The cry for pure drinking water in rural areas is unabated. It is not possible to introduce filtered water-supply system everywhere, but much may be done to mitigate the distress by the provision of reserved tanks.

Not only the number of reserved tanks should steadily be increased every year but there should be constant inspection of these tanks to prevent their deterioration or pollution. From my personal knowledge I have found that some of the reserved tanks are not properly looked after and are consequently deteriorating. They are gradually converted into cesspools and become a menace to the health of the public.

Enquiry into question of river pollution.—May I enquire in this connection when the scheme for supplying filtered water to the riparian municipalities in the neighbourhood of Calcutta is likely to mature? While on this subject, I desire to express the gratitude of my countrymen for the provision of Rs. 25,000 for enquiry into the question of river pollution. The septic tank is the chief source of pollution, and not only the river water is polluted but also the religious feelings of the Hindus are hurt. Your Excellency will earn the gratitude of the people by adopting a measure to prevent this pollution.

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Influenza.—Influenza played dreadful havoc during the last year desolating many a smiling home in the fairest village of the Presidency. For want of proper medical men and medicines, thousands and hundreds of thousands who could have otherwise been saved fell victims to this dreadful disease. The need of more dispensaries and medical men and above all the provision of travelling dispensaries with travelling doctors has been forcibly brought home by the appalling death-rate. I hope that the investigation which I understand is being made by the Government of India will result in the adoption of timely preventive and precautionary measures and that we will be spared another devastation from a recrudescence of this disease.

Floods in Burdwan District.—I thank the Government for the provision of funds for mitigating the effects of flood in the Burdwan Division and for the provision of Rs. 2,50,000 for rebuilding the Kidderpore Bridge.

Re-construction of the Kidderpore Bridge.—In connection with the re-construction of the Kidderpore Bridge, I would like to be informed about the width of the proposed bridge compared with its existing width, and whether the Tramway Company are paying a portion of the cost of the re-constructed bridge as their line will pass over it.

Canalisation of Tolly's Nallah.—For the partial canalisation of the Tolly's Nallah, I note that a sum of Rs. 75,000 has been provided in the budget. May I enquire for some particulars about the scheme and how far it will restore the former navigation of the channel and also render the water pure for religious purposes?

Bankura famine.—The recurrence of famine in Bankura has, I hope, attracted the attention of Government. Why should this district or other districts in this Presidency fall an easy prey to famine? No doubt the people are extremely poor. What are the economic causes that have brought about this poverty? It is said that the cultivator is not advanced. The proportion of non-cultivated area to the total cultivable area is, I believe, 37 per cent. against 79 per cent. in Birbhum and 80 per cent. in Faridpur. Irrigation is necessary in the greater portion of the district. Excavation and re-excavation of irrigation tanks seem to be necessary if any permanent improvement is to be effected. Besides, local handicrafts should be encouraged. Temporary relief is no doubt necessary, and I am sure the Government is doing its best. But as no one is in a better position than the Government to consider what permanent and preventive measures should be taken against the recurrence of famine in this district, the people would be thankful to know what the Government is contemplating to do in this connection.

Before I conclude this subject, I would draw the attention of Your Excellency's Government to the intense economic distress prevailing throughout the country and in every home by reason of the extraordinary high prices of all the necessities of life. Poor and half-starved as the bulk of the people are in normal times, they have now been reduced to a desperate condition. It behoves the Government to take up the question in right earnest, and adopt measures to mitigate the present distress.

Provincial Executive Service.—The Government deserves the thanks of the public for the provision made in the Budget for the improvement in the salary of the Provincial Judicial Service. The grievances of the Provincial Executive Service deserve no less consideration. The total number of appointments in either of the two Services is about the same, i.e., about 300, and the number of grades inclusive of probationary Deputy Collectors is also the same. But, whereas, officers in the Judicial Branch who entered the service in 1893-94 are drawing Rs. 1,000, their contemporaries in the Executive Branch are drawing Rs. 500, i.e., only one-half of what the former are getting. No wonder the Service is discontented and many

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are anxious to seek fresh fields and pastures new in foreign service as in the case of the appointment to the post of the Secretary to the Corporation. The Provincial Civil Service forms the backbone of the general administration of the country. The pay and grading of the Service were fixed more than fifty years ago. The Public Services Commission made certain recommendations which are certainly inadequate, but nothing however has been done in revising the cadre of the Service. The Provincial Executive Service, like the Judicial Service, has deservedly won a high reputation for ability and integrity. Sir Valentine Chirol who cannot be accused of undue partiality towards Indians said: "The Provincial Civil Service constitutes the backbone of the civil administration. It is drawn for the most part from the same class of Indian society from which the bulk of the Indian members of the Indian Civil Service are themselves drawn. In proportion, as the work of administration increases, and it is found to go on increasing steadily, an increasingly large proportion of the more responsible duties hitherto discharged by the Indian Civil Service must necessarily devolve upon the Provincial Civil Service. The importance of raising the general standard of efficiency in the Provincial Civil Service and of bringing it nearer the level of the Indian Civil Service is, therefore, beyond dispute." The Public Services Commission was appointed so far back as 1912 and the Commissioners published their Report in 1915, but nothing has been done as yet to improve the pay and prospects of the Service. It may be said that the Report is under the consideration of the Government of India. It is the clear duty of the Local Government in the interest of efficient administration to ask them to come to an early decision on this highly important question.

Ministerial Service.—I may now be permitted to refer to the grievances of the ministerial service in the Province. The members of this service have been very hard hit by the extraordinary rise in the prices in consequence of the war. They have been literally driven deeper and deeper down the abyss, and until something is immediately done to improve their pay and prospects, they will cease to exist before long. They belong to the poor *bhadralog* class and their abject poverty and their wants and their sufferings have evoked universal sympathy. It is stated by the Hon'ble Sir Henry Wheeler that Government is contemplating to grant grain allowance to ministerial officers drawing Rs. 30 and under. I do not know what that miserable pittance would amount to. The sufferings of others drawing salaries above Rs. 30 are not less acute and an enquiry would reveal the fact that many of them are seriously in debt, and it would perhaps be hopeless to extricate them from the hands of their creditors until timely action is taken by Government.

My Lord, we are entering into what, we hope, will be the last year of our existence under the present constitution. We are looking forward to the fulfilment of the promise of the 20th August, 1917, both in letter and spirit. A new era of progress—political, industrial, educational and sanitary—is dawning, and happily the distractions and financial embarrassments consequent upon the war are passing away, and the reconstituted Government will, we hope, be in a position to embark on the comprehensive task of improving the material condition of the people.

[At this stage the Hon'ble Member had to conclude his remarks, having reached the time-limit.]

The Hon'ble Babu Kishori Mohan Chaudhuri said :—

My Lord, before saying anything on the Budget I think I ought to congratulate the Hon'ble Sir Henry Wheeler on the improved method in which the Financial Statement has been prepared this year. Last year I complained of the indistinctness of the Statement, pointing out my

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difficulties in following the Budget figures, and I am glad to notice that this year I had no serious difficulty in grasping the salient features of the account.

Last year, my Lord, there was some talk about the waste of time in moving Budget resolutions—some of us resented it. This year also a pretty large number of resolutions were moved. We are constrained to admit that very little useful purpose is served both by such resolutions and by the Budget discussion. The members may with advantage be asked to submit their recommendations and suggestions before the Financial Statement is presented to the Council. The financial situation may be intimated to the members in a rough outline to enable them to make useful suggestions. It seems to me it is quite unnecessary for the members to suggest as to how the proposed expenditure should be met. If the importance of the thing can be established it is for the Finance Department to find out ways and means. I hope and trust some such procedure should be adopted in order to give a real character to these rather useless and showy Budget resolutions and discussions and the rules regulating the Budget consideration may be amended accordingly.

I am sorry, my Lord, I am to complain again as regards the administration of the Education Department. Out of a provision of Rs. 1,03,00,000 for Education there is a saving of Rs. 18,00,000 in the year just closed. It is said that there was some transfer of money to the Public Works Department for educational works, but the actual amount utilised has not been shown, though the actual transfer to the Public Works Department could be shown under head Police. This large saving under Education has not been re-allotted in the current year's educational Budget. On the other hand in the current year's estimate there is a decrease of about Rs. 5,00,000 as compared with the last year's sanctioned estimate. The curious explanation is that this decrease is mainly due to larger probable savings in the light of the expenditure incurred by the department in recent years. Are we to understand, then, that the department is inefficient and is unable to carry out the wishes of Government for some excuse or other? If the provision for capital expenditure of Rs. 3,00,000 reserved for the Dacca University is taken out of consideration, the real decrease in educational expenses comes to nearly Rs. 8,00,000. Surely the Education Budget cannot be accepted under the circumstances as really a progressive one, though in the case of the Budget as a whole it is surely progressive both in receipts and in expenditure. Decrease is explicable if there is no necessity for further expenses, but nobody would say that there is no necessity for larger educational expenditure in Bengal. If the department is really inefficient—and under the circumstances of this we cannot but come to the conclusion that it is really so—a thorough investigation and laying down a definite educational policy for the guidance of the department and adequate supervision for carrying out the provisions conducive to healthy development have become a necessity. When money is available the best interest of Government and the country demand a fair and judicious distribution in the several departmental expenditures.

On several occasions I pleaded for the cause of the Rajshahi College as I have some personal experience in the matter. It would not be out of place to say that at present there is no principle according to which the staff of a Government college is determined. It seems to be done in a haphazard way, the necessity of the moment being met in the way which the Director, on the representation of the Principal or the Governing Body concerned, thinks best. I may be permitted to cite a concrete case for example. I understand that the Chittagong and the Hooghly Colleges are going to be affiliated in B. A. Economics (Pass) and two Professors in the Provincial

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Educational Service are going to be appointed for the same. In the Krishnagar College Economics is taught by the Principal who is an Indian Educational Service man. But the Rajshahi College, though affiliated since about 5 or 6 years in B.A. Economics (Pass), and several students are coming out successful in that subject each year, has been compelled to rest satisfied with a Lecturer in the Subordinate Educational Service. May I ask on what principle the teacher of Economics in the Rajshahi College should be in the Subordinate Educational Service? Even the demand for the affiliation of the institution in Economics (Honours) with an appointment of an additional Professor in the Provincial Educational Service to be at the head of that branch of study has not met with the approval of Government, though such a development could be naturally expected in due course of progress. The University, on the recommendation of the College Inspectors, has been insisting for some time upon the appointment of additional Professors of English. I understand a rather curious instruction was issued some time ago for reducing the number of students by 100 or so, so that for the sake of avoiding a monthly expenditure of Rs. 200, a loss of Rs. 600 a month was suggested as a remedial measure. The Rajshahi College is bigger than the Hooghly, Chittagong and the Krishnagar Colleges taken together as regards the number of students. In fact up to the B.A. and B.Sc. standard the Rajshahi College is not inferior to the Presidency and the Dacca Colleges as regards the number of students and the result of University examinations. A library and reading-rooms are necessary adjuncts of a college. Would the hon'ble members believe there are no buildings for these purposes in the Rajshahi College? The books are huddled together in the small rooms of the common room building, constructed out of private contribution for a different purpose and for this, the sanction of the donor had to be obtained. What is most surprising is that there is a librarian in charge of the college library on a petty salary of Rs. 20 a month, and this librarian is expected to guide the studies of the B.A. and the B. Sc. students. In all colleges there are gymnastic teachers for college boys but in Rajshahi there are none. As regards the teaching staff again there is a large number of Indian Educational Service men in the Presidency and the Dacca Colleges and at least one Indian Educational Service man in each of the Chittagong, Hooghly, and Krishnagar Colleges. But the Rajshahi College is the unfortunate exception in this respect. Although by a Government order the men in Indian Educational Service and the Provincial Educational Service are, in the superior service, theoretically at par as regards rank, but there is a special arrangement of an allowance of Rs. 100 a month when a Provincial Educational Service man acts in place of an Indian Educational Service officer.

For short vacancies local arrangements are desirable no doubt, but in long vacancies of which there have been too many the men in the favoured institutions have been enjoying that allowance and the unfortunate officers of the Rajshahi College have been practically deprived of it. Babu Raj Mohan Sen, Senior Professor of Mathematics, is now retiring after about 30 years of meritorious service in the Rajshahi College. He is an exceedingly capable man and is an ideal teacher, but he had never had any opportunity of acting in the Indian Educational Service although men much junior and, I think, also inferior to him enjoyed such acting allowance for years together in other favoured institutions and this for doing no higher additional work.

Rai K. K. Banarji Bahadur has been serving as Principal of the Rajshahi College since over 20 years. The college was in a moribund condition, although there was an Indian Educational Service man as Principal before him. The Rajshahi Association was offered to take up the college with a fixed Government grant and Government were contemplating the abolition of the B. A. classes. At this critical moment he became the Principal of the

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college and, thanks to his admirable efforts, untiring zeal and tact, he saved the tottering institution. It has been growing steadily under his management and Rajshahi College now is one of the best colleges in the province. This gentleman, however, has got no allowance as Principal during this long period, excepting a small house allowance of Rs. 60 a month for the last 6 or 7 years. Because he has been tied down to the Rajshahi College he had no opportunity of ever acting in the Indian Educational Service and getting the allowance which was obtained by men considerably junior and inferior to him in other institutions. Recently a few Provincial Educational Service men have been promoted to the Indian Educational Service, but Rai Kumudrai Kanta has been superseded by one who was appointed long after he had been confirmed as Principal of a first grade college. Is this, my Lord, at all fair? The Government decision is, I understand, that all administrative posts such as Principalships or Chief Inspectorships should be officered by Indian Educational Service men. The result of the Rajshahi College unmistakably shows that the Principal is a deserving and well-qualified officer. Is it not reasonable, then, that he should be at once promoted to the Indian Educational Service or a suitable special allowance should be granted to him? Recently the fee rate in the Rajshahi College has been raised from Rs. 4 to Rs. 6 per month and the Government plea is that this has been done for the sake of uniformity. If uniformity is to be observed it should be done in all other respects—I mean uniformity in the advantages which the students in other colleges receive in return. Over 300 students in the Rajshahi College live in hired houses with many disadvantages in the absence of hostel accommodation. There are large endowments for the Rajshahi colleges for the spread of education in North Bengal which is admittedly very backward in education and inhabited mostly by Muhammadans of very limited means. Affiliation of this college in I. A. and B. A. Botany and the re-affiliation in B. L. and some of the M. A. courses are to my mind urgently necessary. There is a provision of Rs. 50,000 this year for hostel accommodation at Rajshahi, but it is very inadequate as the sum cannot provide for more than 50 students at the most.

As the time-limit will not allow me to treat the Subordinate Educational Service and the Lower Subordinate Educational Service at length, I may be permitted to draw the attention of Your Excellency's Government for taking proper steps for their much-needed reforms. The initial pay of Rs. 15 a month for anyone in the Educational Department is a mockery, if I may be permitted to say so: I believe it is an exceptional case in the Educational Department only. The case of the Lecturer entrusted with the duties of teaching in the B. A. classes requires no repetition. A complete reorganization of the whole service is a necessity, and I refer to the case of the most pitiable for special reference only.

We are thankful to Government for the special consideration shown for the spread of agricultural education in Bengal. It is an agricultural province and nearly 78 per cent. of the population live by agriculture. In this respect the Punjab Government, I believe, have taken practical steps for giving sufficient impetus to the spread of agricultural knowledge. It is time that Bengal should have an agricultural college of its own and every district if not each sub-division should have an agricultural demonstration farm with attached cattle-farms for practical instruction in the improved method of scientific agriculture and for the improvement of cattle. The educational curriculum should include if possible a compulsory course on Agriculture in Primary Education and an optional course in the secondary stage. The experimental farms, as experience has shown, are no safe guide for the spread of agricultural education. I may be permitted in this connection to urge for special arrangement for seed distribution in special cases.—I mean where economic pressure due

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to failure of crops or flood or overindebtedness cause distress and the cultivators are not in a position to arrange for the necessary supplies. Advancing seed at cost price to be realized at harvest time may with advantage be adopted for ordinary cultivators of limited means.

No useful purpose is served by crying hoarse on ever-increasing Police expenditure. Improvement of the department we all want, and both the Government and the people are vitally interested in it. The real difficulty is how to accomplish it. As far as I have been able to study the question I think the department should be presided over and managed by the Civilians with the help of some experienced Deputy Magistrates, instead of by Superintendents of Police with the help of Deputy Superintendents of Police mostly recruited from lower ranks. The pay and prospects of the Superintendents of Police and Deputy Superintendents are not considered inadequate still improvement in that respect is also under the consideration of Government. But, my Lord, the real point is efficiency.

[The Hon'ble Member having exceeded his time-limit had to resume his seat.]

The Hon'ble Maharajadhiraja Bahadur of Burdwan said :—

"My Lord, I do not propose to delay the Council more than is necessary, but I feel it my duty on behalf of Government to reply to some of the points raised by the speakers this morning relating to the departments under my charge. I have first of all to take up the Sanitary Department, and would prefer to call it the Department of Public Health. It is gratifying to Government to find that the large provisions made for this important part of the public welfare has met with general satisfaction. Our Budget allotments for public health have, in fact, been rising more rapidly than many people know. The Budget estimate for 1917-18 stood at a little under 6 lakhs, last year it was very nearly 12 lakhs and in the present year it reaches the record figure of over 18 lakhs of rupees.

The Hon'ble Kumar Shib Shekhreshwar Ray says that though an allotment of nearly Rs. 14,00,000 has been made, no details have been given of the schemes on which the money is to be spent. I am afraid the Hon'ble Member could not have gone very carefully into the Budget, or else he would not have made this mistake. Details are given on page 83 of the Budget under no less than 25 heads and in introducing the figures on the 19th March I referred to this statement and gave some further particulars of the different schemes. As he seems, however, to still have some misapprehension, I may say that the Rs. 13,75,000 have been provided for works of three kinds :—(1) anti-malarial works, (2) works of sanitary engineering, such as schemes of water-supply, drainage and general improvement, and (3) certain items for recurring expenditure, such as quinine grants to local bodies, contributions for health officers and sanitary inspectors and works in connection with the Calcutta sewerage and the drainage of the Fringe area. The anti-malarial works are works of drainage drawn up on scientific lines devised by Dr. Bentley which, some members of this Council may remember, were explained in an address delivered by Your Excellency to a Conference of District Boards in this Council Chamber a little over a year ago. These works will either be carried out entirely by Government or Government will assist the district boards who will carry them out under the Bengal Sanitary Drainage Act with the help of loans which Government will also grant. I may mention here in connection with the Sanitary Drainage schemes, and I should like to bring it to the notice of the Hon'ble Kumar Sahib, who has given me a pleasant surprise this morning by advocating the cause of tenants as strongly as that of zamindars, that the Manikhal and Bargachia Drainage projects are not only anti-malarial projects, but will indirectly benefit landlords of the adjacent areas, and, if I may say so, at the

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expense of Government, and I believe one of the gentlemen whom I am sorry not to find here to-day who will be largely benefited by the Manikhal Khal project will be the Hon'ble Member who was in charge of the Primary Education Bill, for he happens to have large properties there. I went down to see this project yesterday morning with Mr. Cowley and Mr. Adams-Williams, and we hope that it may be possible to open at least part of it before the next rains, and I hope to be able to look into one or two other projects of a similar nature before long. I may point out that these schemes have been taken up by Government and are a new departure because these schemes are going to be financed entirely by the Government to redeem the promise which Your Excellency made when you took over the reins of office, viz., to take up the question of anti-malarial measures in Bengal in right earnest. Before I leave the subject of Sanitation, I may perhaps be permitted to refer to the provision that has been made for an enquiry into the river pollution and the prevalence of kala-azar. The enquiry into the river pollution is due to the interest taken on the subject by the Hon'ble Rai Mahendra Chandra Mitra Bahadur, while the investigations into kala-azar is the outcome of questions on the subject asked by the Hon'ble Babu Brojendra Kishore Ray Chaudhuri. I mention these particularly because charges are not infrequently made that Government goes on its own way sublimely without regard to questions and resolutions in Council. I think that the provisions we have made in this direction are a proof that when good cases are made out, the Government are responsive to the expression of public opinion.

I now turn to the subject of Education on which a number of speakers have expressed their views. The first point which I have to notice is the complaint regarding unspent balances. The reason for the deficit in expenditure has already been explained by the Director of Public Instruction in introducing the figures for Education on the 13th of March last. His arguments were briefly as follows :—

- (1) non-utilization in full of Imperial grants as certain of the proposed schemes have been sanctioned only in part ;
- (2) transfer of money to the Public Works Department for educational works ;
- (3) deputation to military duty of several officers of the Education Department with the consequent saving of salaries and house allowance ;
- (4) stoppage of the payment of exchange compensation allowance ;
- (5) impossibility of recruiting officers for the Indian Educational Service ; and
- (6) decrease in contingent expenditure on account of the economy enforced by war conditions.

The greater part of the lapse is caused by our inability to spend fully the grant of 9 lakhs made by the Government of India for the improvement of the pay and training of teachers, and of the 5½ lakhs for the development of primary education. Our inability to spend fully is due to causes beyond our control. The savings on the 9 lakhs grant amount to no less than 5½ lakhs ; they are due entirely to the fact that we have not yet received sanction to our proposal for the improvement of secondary education and for our scheme of guru-training schools. Details have been given to-day in reply to a question by the Hon'ble Babu Bhabendra Chandra Ray and from that some interesting facts will be revealed. The 5½ lakhs grant was received during the year and all building work under this head has not been completed. Further as our schemes under this head contemplate the building and subsequent maintenance of various schools, and as maintenance charges would not arise until

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the buildings are ready, it was impossible to contemplate the full expenditure in the first year of the grant.

The Hon'ble Sir Deba Prasad Sarbadhikari has referred to the grant for private colleges which he says has been suspended for the past few years. He goes on to say that he had looked forward not only to the restoration of the grant, but also to the payment of arrears and he is disappointed to find that item altogether omitted from the Budget. I must point out that he is entirely under a misapprehension. The grant was never withdrawn, but payment from it was restricted after the first year of the war. Like other allotments it fell under the embargo laid down by the Secretary of State against expenditure which was not justified by immediate necessity, and the University were free to make recommendations for any grant which fulfilled this criterion. Not only was the grant not withdrawn, but it still appears in the Budget. If the Hon'ble Member will refer to page 137 of the Civil Budget Estimates he will find the sum of Rs. 1,29,000 provided as usual. The Hon'ble Member is anxious that this grant should be increased. It must, however, be remembered that this is not the only source from which Government assists private colleges. The ordinary grant-in-aid allotment of the Education Department is an additional source of help. Grants from this source are given on a contributory basis and the expenditure during the last four years has not by any means been light.

Two speakers, viz., the Hon'ble Sir R. N. Mookerjee and the Hon'ble Babu Siv Narayan Mukharjee have expressed the hope that Government will give assistance to municipalities that will promote primary education on the lines indicated in the Primary Education Bill which was passed by this Council a few days ago. The latter gentleman goes further in referring to the absence of provision for the development of primary education under the new Act. This reference appears to ignore the principles on which a Budget must be framed. Provision cannot be made for possible developments under a Bill which at the time of the preparation of the Budget was merely a proposal before the Council and which when it becomes law will imply fresh expenditure only after certain preliminaries had been attended to. The survey of educational needs in each municipality has first to be made, estimates of its requirements prepared and then will be the time for municipalities to approach Government and to ask for financial aid, and for the Government to examine each scheme on its merits and then to consider what assistance it has got to give to partly finance such schemes. Before I leave the question of primary education, I think I ought to make some reference to a remark of the Hon'ble Rai Mahendra Chandra Mitra Bahadur made in connection with the proceedings of the Dacca Social Service Exhibition, stating that Indian school-masters are worse paid than coolies. This I think relates mainly to primary school teachers who, it must be understood, are not Government servants. Their humble emoluments are provided by Government grants and district boards' grants by fees paid by those whose children they teach. It is true their position is steadily being improved, but improvement must be difficult if the general public, according to the Hon'ble Rai Bahadur, go on paying coolies more than village *gurus*. A change is certainly necessary and it is not a change entirely for the Government to introduce, but it must be a change in the public point of view regarding the pay of these *gurus*.

I may perhaps now refer to the complaint made by the Hon'ble Babu Kishori Mohan Chaudhuri regarding the absence of Indian Educational Service officers in the Rajshahi College. His remarks on the subject, I may assure him, will not be overlooked, and I can promise him that I will take up the matter in consultation with the Director of Public Instruction. Both he and the Hon'ble Rai Mahendra Chandra Mitra Bahadur have urged the need

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of improving the prospects of the men in the Subordinate and Lower Subordinate Educational Services. I may remind them that this matter formed the subject of a resolution over a year ago, and my predecessor, Sir S. P. Sinha, explained that it would be impossible to take up the reorganisation of the lower services till the higher services had been reorganized. It is necessary to decide what is to be the dividing line between the two. The minimum pay of the higher services must be determined before the maximum pay of the lower services can be fixed. In fact, I can only repeat the promises of Lord Sinha that the matter will be taken up when the Secretary of State passes orders about the higher services.

The Hon'ble Rai Mahendra Chandra Mitra Bahadur has also brought up the matter of giving the Hindu and Hare Schools an installation of electric fans. My Lord, I may say that there are *punkhas* there and it is not a fact that there are no fans at all. It is rather a problem for the Government that on the one hand we are asked to provide fans, and on the other hand, we have the Hon'ble Rai Sri Nath Ray Bahadur who wants a much simpler style of living, and complains that 'our schools and colleges are mostly fed by boys of poor parents; they live in their homes and humble huts and in a modest style; they come to the hostels from Log Cabin to White House. What is the effect of these palatial buildings on young and impressionable boys? They unconsciously adopt a style of living that they can vainly seek to find at home.' It is very difficult to know what to do in these circumstances. Perhaps the Government does indulge in large buildings and hostels, but I must remind the Hon'ble Rai Sri Nath Ray Bahadur that if Government makes a grant towards hostels, Government must insist on a reasonable standard of light, ventilation and accommodation and for other conveniences, and to see that the claims of hygiene and sanitation are not forgotten, and that the students are living in a clean and decent manner. That the charges in hostels are increasing is not generally a consequence of the hostel system in many cases. Hostel rents are increasing because the buying power of money has been diminishing rapidly during the last four years, nor is the Hon'ble Member correct in his nomenclature regarding the palatial buildings of Gothic and Saracenic architecture. If I may say so, the style of architecture usually adopted by the Public Works Department or private contractors is inspired first of all by considerations of economy and not of art and the Hon'ble Member will have to travel far in Bengal before he finds hostels with architecture reminiscent of the Saracens and the Goths. They would rather remind him of the art of their kinsmen, the Vandals.

In connection with the question of hostels, I think I must make some reference to the question of hostels for Muhammadans which has been raised by the Hon'ble Maulvi Abul Kasem. I may say that no schemes brought forward have been rejected. We have six schemes in hand, two for Government schools and four for private schools. The present hostel accommodation is not fully utilised, and Government has failed to find evidence of any pressing demand for extended accommodation. However, as has already been stated, Government is not unmindful of the fact and Government is doing all that it can to meet requirements. The Hon'ble Maulvi Fazl-ul-Haq also complained at a recent meeting of the Council that the Muhammadans were being inadequately provided in the schools and hostels. I may say that Government is in possession of facts to show that this is not really the case.

Before I conclude, Sir, I must make some reference to the question of female education which has been brought forward by the Hon'ble Rai Radha Charan Pal Bahadur. He has made a passionate appeal—though he did not cry himself hoarse, here to-day although he says he has done so on many occasions—for providing girls' schools for *bhadralog* classes. My Lord, I do

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not think it is realized that so far as the education of girls is concerned, Government is really more alive than the people themselves to the question; our main difficulty is one of getting a sufficient number of educated women to come forward as teachers; but I must here also point out that in a matter of this kind Government has to treat the subject as a whole. The question of special schools for girls of *bhadralok* classes, or as the Rai Bahadur points out—of schools of a purely orthodox or semi-orthodox nature—must be solved by the gentlemen concerned themselves. It is too much to ask the Government to provide for these special institutions. Government can only provide for the general education of girls and can certainly take up the question of special institutions for girls of the *bhadralok* classes in Calcutta or other large towns in the mufassal if there is not only demand for it from the classes concerned, and, if that demand is supplemented by funds from these *bhadralok* classes, but not otherwise.

I may also refer to a resolution which was recently put down (but not moved) in the name of the Hon'ble Babu Akhil Chandra Dutta regarding the elevation of the status of the Government Girls' School at Comilla. A scheme for increasing its accommodation at a cost of Rs. 1 lakh is ready; but the Department of Education was not successful in securing its retention in its list on page 52. A petition for the elevation of its status has recently been received, but it was not known whether the demand would justify this. The matter cannot, however, be investigated until we are in a position to proceed with the building for increased accommodation which is a prior requisite to any kind of development with reference to such an institution.

My Lord, this is all I have to say in connection with the departments under my charge; and I may once more remind the Hon'ble Members of Council who have been taking great interest in the question of primary education lately as well as in sanitation, that whilst Government is fully alive to the needs of the province in these respects and whilst Government will do all it can and all that lies in its power, the people have got to make up their minds if they are really in earnest about improving the health of their poorer countrymen, or if they want really to see the spread of primary education they have got to put their hands into their pockets and have got to realize once for all that special taxation in special areas must form one of the principal features of advancement in respect of these necessary measures of reform in the province."

The Hon'ble Mr. Cumming said :—

"My Lord, the subjects regarding which I propose to offer a few observations to the Council are the items of agriculture, famine relief and the co-operative movement which are under the control of the Revenue Department, and irrigation projects which are under the control of the Public Works Department. At the outset I should like to acknowledge the friendly reception which the estimates of the department under my charge have received from several Hon'ble Members; and, in particular, I should like to draw attention to the remarks of the Hon'ble Sir Rajendra Nath Mukherji.

When discoursing on the subject of agriculture, the Hon'ble Kumar Shib Shekhareswar Ray has complained of the standoffish attitude and exaggerated notions of self-sufficiency of the Department of Agriculture. He has also drawn special attention to the Agricultural Farm at Rajshahi, where, he states, he has seen no sign of activity. In answer to that observation, I may say at once that one who has no small knowledge of Rajshahi district informs me that this farm has done much good work, particularly in connection with sugarcane.

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overlooked that the consumption is still below that of 1912-13, although our revenue is considerably higher.

Turning to the second main cause, it can be no ground of complaint that we have succeeded in checking illicit practices, although in some districts, noticeably in Bakarganj, it is believed that that has contributed to the growth of licit consumption.

As regards the encouragement given to the production of Indian-made foreign liquor, the following figures for nine months of the duty receipts under this head show a revenue roughly of Rs. 7½ lakhs in the current year, as against Rs. 4½ lakhs approximately last year, while the duty on rectified spirit issued for the compounding of potable foreign liquor has risen from rather over Rs. 3 lakhs in 1917-18 to about Rs. 5 lakhs in 1918-19. I think these figures show that in consequence of the decrease in the supply of foreign liquor the duty under Indian-made foreign liquor and rectified spirits has gone up, and they afford an answer to the doubts which the Hon'ble Sir Deba Prasad Sarbadhikari has expressed, that really foreign liquor has not had much to do with the matter. In the detailed figures he has given about Mymensingh and Dacca, I think he must have made some mistake. I can show him our figures later on, if he wishes, but merely say now that our statistics are different from those that he has quoted.

Incidentally, a feature of the figures which has also helped to increase the total revenue, is the growth in the revenue derived from the manufacture of tinctures in bonded laboratories, in which the nine months' receipts of Rs. 1,30,000 last year have gone up to Rs. 2,52,000 this year. That, of course, is satisfactory, in so far as this manufacture of tinctures has replaced in a *swadeshi* way what was previously, presumably, imported from abroad.

As regards possible remedies, the Hon'ble Sir Deba Prasad Sarbadhikari has made various suggestions, and I will briefly refer to them. He would like to see liquor of weaker strength substituted for more potent varieties, but this is a point which has already attracted attention, and I can give him details showing specific reductions made from time to time in different areas. We have also taken steps in some districts to put a preferential rate of duty on the weaker strengths so as to give them an advantage over the stronger. As a second suggestion he advocates a restriction of supply on the lines of the action taken in the case of opium, that is, not to permit the sale of more than a certain quantity from one shop. But I may point out that that system has never been entirely satisfactory even as regards opium, and in the neighbouring province of Bihar and Orissa it has been given up. We maintain it here largely on account of the facilities which exist for smuggling opium to Burma over which some check can be exercised in this way. But it is not a method that is free from complications, and the departmental view is that in respect of liquor it would be almost impossible to estimate what a standard monthly issue should be. A third suggestion is that we should try and separate off and on licenses. I am advised that as regards the *mufassal* this would probably merely increase the total number of licensed shops; in Calcutta, I am told, there may be greater possibilities, and the Excise Commissioner will look into the matter, as soon as we see the effect of the reduction in the number of shops which we have just brought about. As a fourth point, the same Hon'ble Member has put forward the desirability of offering counter-attractions to the consumption of liquor, but I am afraid the evidence against him is rather more definite than perhaps one would infer from his speech. In the first place, there are already counter-attractions in the shape of tea-shops which are run on a commercial basis, and I think it was only a few days ago that there was some reference in the newspapers to the report of the Tea Cess Committee that a considerable measure of success has been achieved in that direction. These shops

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are being run from motives of commercial self-interest, and commercial self-interest will probably do more to give an impetus to the movement than official encouragement. The attention of the local Government was, however, drawn to the matter in 1916, and we promised assistance in pushing through the licenses which are required for tea-shops in Calcutta. Apart from this, and in connection with counter-attractions in general, we have the very definite findings of three provinces—Madras, Bihar and Orissa and the Punjab. I will read an extract from a Madras report of 1918 bearing on this system :—

'The net conclusion derived from a perusal of the Collector's reports is that in the majority of cases in which the experiments are complete, they have failed to create a demand for the alternatives offered to intoxicating drinks, and that even where the experiment was a financial success, there is nothing to indicate that it has done anything to decrease drunkenness. It seems unlikely that this would be the case for three reasons :—

- (a) that tea and coffee appeal to a different class from those who drink toddy and arrack ;
- (b) that they are generally dearer ; and
- (c) that they were offered as alternatives and not as substitutes.

On the other hand, the experiments seem likely to have an effect that was not expected by those who suggested them. The evil of the drink habit shows itself in two ways, in the mental and physical deterioration of the drinker and in the limitation of the proportion of his wage that is available to pay for the food of himself and his family. The 'coffee club' habit, if it is free of the former objection, is open to the latter in an equal, if not greater, degree, especially in the case of the daily labourer. It offers a temptation to many of those who do not drink alcohol and whose ordinary drink is water. Many educated Indians, therefore, regard it as a danger in itself.

The whole experiment illustrates the danger of transplanting wholesale a social arrangement that is suitable in one country into another of a different climate and customs.'

That was the experience of Madras. In Bihar and Orissa, the report of 1918 merely says : 'the opening of tea and coffee shops has not so far provided an effective counter-attraction to those who want intoxicating drinks.'

In the Punjab we have a very definite finding which has been reproduced in a publication—*Abkari*—with which the Hon'ble Sir Deba Prasad Sarbadhikari is doubtless acquainted. It says 'In connection with certain suggestions made by the Temperance Societies' deputation to His Excellency the Viceroy in 1913, advocating provision by the Government of counter-attractions to drink the Punjab Government recently consulted a large number of officials and leading non-officials. The inquiry has resulted in the accumulation of a large weight of official and non-official opinion, which is almost unanimously condemnatory of the proposals as being either trivial or impracticable, or even prejudicial to the cause it is intended to promote.' I am afraid, therefore, that this solution does not offer a very hopeful prospect.

Lastly, the Hon'ble Member has suggested certain improvements in the conditions of service in the Excise Department. As will appear from a resolution which we issued the other day, there are a few details about the department which we shall shortly have under examination, but as a general statement, I do not admit that the conditions of service in the Excise Department are markedly defective. The service was reorganized only a few years ago, and in comparison with other branches of Government employ it offers prospects which are not unreasonable. There may be points of detail in which improvements can be made, but as a whole, I do not think there is anything radically wrong.

So much for Excise, in connection with which I have attempted to show that we are perfectly aware of this large increase in revenue, but that we

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have in the matter of country-spirit taken action to counteract it and, while discouraging undue consumption, to increase the price which those who drink have to pay.

Apart from Excise, I will now pass on to a group of suggestions which are of a common type, advocating the improvement of the conditions of service in various departments. Among the first of these we have our old friend the Provincial Judicial Service, regarding which we have just addressed the Government of India, and we hope that orders will be received very shortly. With reference to the Provincial Executive Service, of which mention has also been made, it will be seen that we published a resolution the other day in connection with the recommendations of the Public Services Commission, and on receipt of opinions on that we shall similarly make recommendations to the Imperial Government. Another Service which has been brought to notice by the Hon'ble Rai Radha Charan Pal Bahadur is that of Assistant Surgeons, with the complaint that the initial pay is still only Rs. 100 : that is true, but on the other hand, it is a Service which twice during recent years has come under reorganization, and although the initial pay of Rs. 100 has been maintained, we have replaced the old grades, which led to a certain slowness of promotion, by an incremental system rising up to Rs. 300, and have raised the higher grades, which at one time were only Rs. 200 and Rs. 300, to Rs. 325 and Rs. 350. Therefore, as a whole, the conditions of that Service have been materially improved, and so far we have not experienced any undue difficulty in getting candidates. Thirdly, we come to the various clerical establishments, whose grievances are always with us, and I will not repeat what I said at a recent meeting, except to mention that in fulfilment of the expectation which I then held out, we have addressed the Government of India, not quite on the lines I then suggested of extending grain compensation allowance, but proposing a war bonus of 5 per cent. to those in receipt of Rs. 30 and less. That will help the most lowly paid clerical establishments, and it should be taken in conjunction with the other improvements in prospects which we have given to menial servants and the individual establishments as they came before us from time to time.

Lastly, we have the Police, in connection with which we have the usual complaint that our expenditure is excessive, apparently, at the moment, thanks largely to my malign influence. But I think if the Hon'ble Mr. Fazl-ul-Haq will make enquiries from the department, he will find that it is far from the case that the combination in myself of a certain amount of financial experience with knowledge of the Police Department is always to the advantage of the latter. The traditions of the Financial Department, in which I have spent a good deal of my time in this country, are in the direction of cutting down expenditure, and being imbued with those traditions I have cut down various police proposals which probably would have been favoured by anybody looking at them solely from the departmental standpoint. It is true, however, that our Police expenditure is heavy and last year we heard more to that effect than we have this year. After the debates of last year, I had enquiries made, applying various tests to the Police expenditure in Bengal in comparison with other provinces. They were not very satisfactory tests because it is difficult to reduce provinces of the large size and varying conditions of Indian provinces to one common denominator, but taking a few rough tests, such as the expenditure on the police per head of population, and the numerical proportion of the police to population and area, the comparison in no way showed that the expenditure on police in Bengal was extravagant in comparison with that which was found necessary elsewhere. On the contrary it pointed to the conclusion that, with the possible exception of the province of Bihar and Orissa, which, of course, in past years has been administered on very similar lines to Bengal, other provinces are more highly policed than we are. One of the reasons for our present heavy expenditure, as I have had occasion to point out before, is

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that we have leeway to make up—leeway especially in the matter of buildings and in the rates of pay, while owing to unfortunate political conditions we have had to spend regrettably large sums of money on our Intelligence Branch.

So much for the customary complaint that Police expenditure is excessive, although from the Hon'ble Maulvi Abul Kasem we have had the somewhat unusual grievance that we do not pay some members of the police enough, and he has particularly mentioned the cases of inspectors, sub-inspectors and constables. I think, however, he has under-estimated what we have done. Taking the case of inspectors, before the days of the Police Commission their lowest grade was Rs. 100, but now it is Rs. 150, although the maximum remain the same. Taking the case of sub-inspectors, before the days of the Police Commission their lowest grade was Rs. 30, and their maximum Rs. 80; but now their lowest grade is Rs. 50, and the maximum Rs. 100. Taking the case of head-constables, before the days of the Police Commission, the three lowest grades received pay of Rs. 15, 12, and 10, but now no head-constable receives less than Rs. 17-8, and our recent proposals, which are under the consideration of the Government of India, will further better their prospects. In the old days, before the Police Commission, constables got Rs. 6, 7, 8, and 9, but now, in the armed branch, they get from Rs. 11 to Rs. 14, and in the unarmed branch, from Rs. 10 to Rs. 13. Therefore, prospects, on the whole, have been materially improved.

The next department in my charge is that of Medical. Reference has been made to the subject of medical education, but I dealt with that fully at a recent meeting and will not repeat what I then said. Another suggestion has been made by Maulvi Abul Kasem that we should foster the system of itinerant doctors. That is a plan of which I was in favour when I was a member of the Drainage Committee, which advocated it, but on looking into the papers, I find that the experiment has been tried and has never been a great success, owing largely to the difficulty of supervising the men who are sent into the districts, and especially, since 1916, owing to the difficulty of getting sub-assistant surgeons on account of the war. Its place has latterly been taken by devoting the funds which were previously so applied to the free distribution of quinine.

The only other point which I would like to notice is one on which I think a certain amount of misunderstanding exists. It, too, refers to the Police, and it was raised by the Hon'ble Raja Hrishikesh Laha in the form of a suggestion that we should attempt further to recruit Bengalis in the place of up-country constables. We often read in the papers remarks which would imply that people think that the police force in Bengal is even now almost entirely manned from up-country. That, Sir, is not the case. During the last 7 years out of 22,596 recruited constables, approximately 9,057 or 40 per cent. were Bengalis, and in 1918, 61 per cent. of the total number recruited were Bengalis. In 1917 it was 53 per cent. We have been steadily pursuing this policy of trying to recruit local men as far as possible, and it is a policy which the Inspector-General of Police, Mr. Plowden, has encouraged actively; while, as will be noticed from the figures, it has met with appreciable success.

I doubt, Sir, if there is any other point of detail with which I need now worry the Council. Our immediate financial difficulties are, of course, the unfavourable economic conditions, the crop failure in Upper India and Bombay and the scarcity in two of our own districts, while we have the prevailing high prices to which attention has been drawn and which are pressing hardly upon us. We can only hope that with the restoration of more normal conditions after the war, and with the aid of a good harvest during the current year, the circumstances of the province in these two

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overlooked that the consumption is still below that of 1912-13, although our revenue is considerably higher.

Turning to the second main cause, it can be no ground of complaint that we have succeeded in checking illicit practices, although in some districts, noticeably in Bakarganj, it is believed that that has contributed to the growth of licit consumption.

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As regards possible remedies, the Hon'ble Sir Deba Prasad Sarbadhikari has made various suggestions, and I will briefly refer to them. He would like to see liquor of weaker strength substituted for more potent varieties, but this is a point which has already attracted attention, and I can give him details showing specific reductions made from time to time in different areas. We have also taken steps in some districts to put a preferential rate of duty on the weaker strengths so as to give them an advantage over the stronger. As a second suggestion he advocates a restriction of supply on the lines of the action taken in the case of opium, that is, not to permit the sale of more than a certain quantity from one shop. But I may point out that that system has never been entirely satisfactory even as regards opium, and in the neighbouring province of Bihar and Orissa it has been given up. We maintain it here largely on account of the facilities which exist for smuggling opium to Burma over which some check can be exercised in this way. But it is not a method that is free from complications, and the departmental view is that in respect of liquor it would be almost impossible to estimate what a standard monthly issue should be. A third suggestion is that we should try and separate off and on licenses. I am advised that as regards the *mufassal* this would probably merely increase the total number of licensed shops; in Calcutta, I am told, there may be greater possibilities, and the Excise Commissioner will look into the matter, as soon as we see the effect of the reduction in the number of shops which we have just brought about. As a fourth point, the same Hon'ble Member has put forward the desirability of offering counter-attractions to the consumption of liquor, but I am afraid the evidence against him is rather more definite than perhaps one would infer from his speech. In the first place, there are already counter-attractions in the shape of tea-shops which are run on a commercial basis, and I think it was only a few days ago that there was some reference in the newspapers to the report of the Tea Cess Committee that a considerable measure of success has been achieved in that direction. These shops

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'The net conclusion derived from a perusal of the Collector's reports is that in the majority of cases in which the experiments are complete, they have failed to create a demand for the alternatives offered to intoxicating drinks, and that even where the experiment was a financial success, there is nothing to indicate that it has done anything to decrease drunkenness. It seems unlikely that this would be the case for three reasons :—

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On the other hand, the experiments seem likely to have an effect that was not expected by those who suggested them. The evil of the drink habit shows itself in two ways, in the mental and physical deterioration of the drinker and in the limitation of the proportion of his wage that is available to pay for the food of himself and his family. The 'coffee club' habit, if it is free of the former objection, is open to the latter in an equal, if not greater, degree, especially in the case of the daily labourer. It offers a temptation to many of those who do not drink alcohol and whose ordinary drink is water. Many educated Indians, therefore, regard it as a danger in itself.

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Lastly, the Hon'ble Member has suggested certain improvements in the conditions of service in the Excise Department. As will appear from a resolution which we issued the other day, there are a few details about the department which we shall shortly have under examination, but as a general statement, I do not admit that the conditions of service in the Excise Department are markedly defective. The service was reorganized only a few years ago, and in comparison with other branches of Government employ it offers prospects which are not unreasonable. There may be points of detail in which improvements can be made, but as a whole, I do not think there is anything radically wrong.

So much for Excise, in connection with which I have attempted to show that we are perfectly aware of this large increase in revenue, but that we

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have in the matter of country-spirit taken action to counteract it and, while discouraging undue consumption, to increase the price which those who drink have to pay.

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Lastly, we have the Police, in connection with which we have the usual complaint that our expenditure is excessive, apparently, at the moment, thanks largely to my malign influence. But I think if the Hon'ble Mr. Fazl-ul-Haq will make enquiries from the department, he will find that it is far from the case that the combination in myself of a certain amount of financial experience with knowledge of the Police Department is always to the advantage of the latter. The traditions of the Financial Department, in which I have spent a good deal of my time in this country, are in the direction of cutting down expenditure, and being imbued with those traditions I have cut down various police proposals which probably would have been favoured by anybody looking at them solely from the departmental standpoint. It is true, however, that our Police expenditure is heavy and last year we heard more to that effect than we have this year. After the debates of last year, I had enquiries made, applying various tests to the Police expenditure in Bengal in comparison with other provinces. They were not very satisfactory tests because it is difficult to reduce provinces of the large size and varying conditions of Indian provinces to one common denominator, but taking a few rough tests, such as the expenditure on the police per head of population, and the numerical proportion of the police to population and area, the comparison in no way showed that the expenditure on police in Bengal was extravagant in comparison with that which was found necessary elsewhere. On the contrary it pointed to the conclusion that, with the possible exception of the province of Bihar and Orissa, which, of course, in past years has been administered on very similar lines to Bengal, other provinces are more highly policed than we are. One of the reasons for our present heavy expenditure, as I have had occasion to point out before, is

*Discussion of the Budget.**Sir Henry Wheeler.*

that we have leeway to make up—leeway especially in the matter of buildings and in the rates of pay, while owing to unfortunate political conditions we have had to spend regrettably large sums of money on our Intelligence Branch.

So much for the customary complaint that Police expenditure is excessive, although from the Hon'ble Maulvi Abul Kasem we have had the somewhat unusual grievance that we do not pay some members of the police enough, and he has particularly mentioned the cases of inspectors, sub-inspectors and constables. I think, however, he has under-estimated what we have done. Taking the case of inspectors, before the days of the Police Commission their lowest grade was Rs. 100, but now it is Rs. 150, although the maximum remain the same. Taking the case of sub-inspectors, before the days of the Police Commission their lowest grade was Rs. 30, and their maximum Rs. 80; but now their lowest grade is Rs. 50, and the maximum Rs. 100. Taking the case of head-constables, before the days of the Police Commission, the three lowest grades received pay of Rs. 15, 12, and 10, but now no head-constable receives less than Rs. 17-8, and our recent proposals, which are under the consideration of the Government of India, will further better their prospects. In the old days, before the Police Commission, constables got Rs. 6; 7, 8, and 9, but now, in the armed branch, they get from Rs. 11 to Rs. 14, and in the unarmed branch, from Rs. 10 to Rs. 13. Therefore, prospects, on the whole, have been materially improved.

The next department in my charge is that of Medical. Reference has been made to the subject of medical education, but I dealt with that fully at a recent meeting and will not repeat what I then said. Another suggestion has been made by Maulvi Abul Kasem that we should foster the system of itinerant doctors. That is a plan of which I was in favour when I was a member of the Drainage Committee, which advocated it, but on looking into the papers, I find that the experiment has been tried and has never been a great success, owing largely to the difficulty of supervising the men who are sent into the districts, and especially, since 1916, owing to the difficulty of getting sub-assistant surgeons on account of the war. Its place has latterly been taken by devoting the funds which were previously so applied to the free distribution of quinine.

The only other point which I would like to notice is one on which I think a certain amount of misunderstanding exists. It, too, refers to the Police, and it was raised by the Hon'ble Raja Hrishikesh Laha in the form of a suggestion that we should attempt further to recruit Bengalis in the place of up-country constables. We often read in the papers remarks which would imply that people think that the police force in Bengal is even now almost entirely manned from up-country. That, Sir, is not the case. During the last 7 years out of 22,596 recruited constables, approximately 9,057 or 40 per cent. were Bengalis, and in 1918, 61 per cent. of the total number recruited were Bengalis. In 1917 it was 53 per cent. We have been steadily pursuing this policy of trying to recruit local men as far as possible, and it is a policy which the Inspector-General of Police, Mr. Plowden, has encouraged actively, while, as will be noticed from the figures, it has met with appreciable success.

I doubt, Sir, if there is any other point of detail with which I need now worry the Council. Our immediate financial difficulties are, of course, the unfavourable economic conditions, the crop failure in Upper India and Bombay and the scarcity in two of our own districts, while we have the prevailing high prices to which attention has been drawn and which are pressing hardly upon us. We can only hope that with the restoration of more normal conditions after the war, and with the aid of a good harvest during the current year, the circumstances of the province in these two

*Resolutions; Adjournment.**The President, Mr. Carter, Rai M. C. Mitra Bahodur.*

respects may speedily improve. No one will welcome that result more than the Financial Department.

Finally, I would refer to the fact that this will be the last budget with which Mr. Donald will be connected, and I would like to bring to the notice of the Council the excellent work which he has done in connection with the Finance Department during the last four years. I have often told him that his fault lay in over-estimating his expenditure and under-estimating his revenue, but from the point of view of the financial resources of the province, these qualities have been instrumental in building up the large balances which we now possess, and which we hope will be spent with usefulness in the approaching years. He has always been a strict custodian of provincial funds, and I think the Hon'ble Mr. Fazl-ul-Haq can rest assured that even my influence has not been able to overcome his economical tendencies. In thanking him for the work which he has done in the past, we wish him all success in the important office upon which he is about to enter."

LIST OF BUSINESS—ITEMS Nos. 3 and 4.**RESOLUTIONS.**

(Under the rules for the discussion of matters of general public interest.)

The President said :—

"Owing to the regrettable illness of the Hon'ble Mr. Carter I have agreed to the postponement till a later date of the motion which stands in his name."

The following resolution and the amendment thereto were postponed :—

The Hon'ble Mr. F. W. Carter to move the following resolution :—

This Council recommends to the Governor in Council that a commission of inquiry be appointed to consider the whole problem of leprosy in the city of Calcutta, and the legislation required in connection therewith.

The Hon'ble Rai Mahendra Chandra Mitra Bahadur to move, by way of amendment, that in the Hon'ble Mr. Carter's resolution after the words "City of Calcutta" the words "and other municipal towns in the mufassal" be inserted.

ADJOURNMENT.

The Council was then adjourned to Monday, the 7th April, 1919, at 11 A.M., at Government House, Calcutta.

A. M. HUTCHISON,

*Secy. to the Govt. of Bengal and
Secy. to the Bengal Legislative Council (Offg.).*

CALCUTTA,

The 14th April, 1919.



The Calcutta Gazette

WEDNESDAY, MAY 14, 1919.

PART IVA.

Proceedings of the Bengal Legislative Council.

GOVERNMENT OF BENGAL.

LEGISLATIVE DEPARTMENT.

Abstract of the Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act, 1915.

THE Council met in the Council Chamber at Government House, Calcutta, on Monday, the 7th April, 1919, at 11 A.M.

Present :

His Excellency the Right Hon'ble LAWRENCE JOHN LUMLEY DUNDAS, EARL OF RONALDSHAY, G.C.I.E., *Governor of the Presidency of Fort William in Bengal, presiding.*

The Hon'ble SIR HENRY WHEELER, K.C.I.E., C.S.I.

The Hon'ble MR. J. G. CUMMING, C.S.I., C.I.E.

The Hon'ble SIR BIJAY CHAND MAHTAB, K.C.S.I., K.C.I.E., I.O.M., Maharaja-dhiraja Bahadur of Burdwan.

The Hon'ble MR. J. H. KERR, C.S.I., C.I.E.

The Hon'ble MR. C. J. STEVENSON-MOORE, C.V.O.

The Hon'ble MR. F. C. FRENCH, C.S.I.

The Hon'ble MR. J. DONALD, C.I.E.

The Hon'ble MR. L. S. S. O'MALLEY, C.I.E.

The Hon'ble MR. H. P. DUVAL.

The Hon'ble MR. M. C. McALPIN.

The Hon'ble MR. F. A. A. COWLEY.

The Hon'ble COLONEL J. K. CLOSE, M.D., I.M.S.

The Hon'ble MR. W. C. WORDSWORTH.

The Hon'ble MR. C. F. PAYNE.

The Hon'ble MR. S. G. HART.

The Hon'ble KHAN BAHADUR MAULVI AMINUL ISLAM.

The Hon'ble SIR RAJENDRA NATH MOOKERJEE, K.C.I.E.

The Hon'ble SIR NILRATAN SARKAR, KT.

The Hon'ble MR. R. V. MANSELL, O.B.E.

The Hon'ble MR. W. H. H. ARDEN-WOOD, C.I.E.

The Hon'ble MR. AMINUR RAHMAN.

The Hon'ble RAJA HRISHIKESH LAHA, C.I.E.

The Hon'ble MR. L. V. N. MEARES.

The Hon'ble MR. PROVASH CHUNDER MITTER, C.I.E.

The Hon'ble BABU SIV NARAYAN MUKHARJI.

The Hon'ble KUMAR SHIB SHEKHARESWAR RAY.

The Hon'ble MR. ARUN CHANDRA SINGHA.

The Hon'ble SIR DEBA PRASAD SARBADHIKARI, KT., C.I.E.

The Hon'ble RAI DEBENDER CHUNDER GHOSE BAHADUR.

The Hon'ble RAI RADHA CHARAN PAL BAHADUR.

The Hon'ble MR. W. E. CRUM, O.B.E.

The Hon'ble MR. W. H. PHELPS.

The Hon'ble MR. G. A. BAYLEY.

The Hon'ble DR. ABDULLA-AL-MAMUN SUHRAWARDY.

The Hon'ble MAULVI ABUL KASEM.

The Hon'ble KHAN SAHIB AMAN ALI.

The Hon'ble BABU BHABENDRA CHANDRA RAY.

The Hon'ble RAI SRI NATH RAY BAHADUR.

The Hon'ble BABU AKHIL CHANDRA DATTA.

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR.

The Hon'ble BABU MAHENDRA NATH RAY, C.I.E.

The Hon'ble BABU KISHORI MOHAN CHAUDHURI.

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR.

Questions and Answers.

QUESTIONS AND ANSWERS.

LIST OF BUSINESS—ITEM No. 1.

The following questions which had been starred were put and answered :—

By the Hon'ble Rai Radha Charan Pal Bahadur:—

*I.

(a) Will the Government be pleased to state—

(i) when the Calcutta hackney-carriage department will be taken over by the Commissioner of Police from the Corporation; and

(ii) whether the entire staff of the present hackney-carriage department will be taken over by the Commissioner of Police?

Transfer of the
hackney-carriage
department
from the
Calcutta
Corporation
to the
Commissioner
of Police

(b) If it is not proposed to take over the entire staff, will the Government be pleased to state what provision will be made for those of the staff who will be thrown out of employment?

Answer by the Hon'ble Mr. O'Malley:—

"(a) (i) It is proposed that the Commissioner of Police should take over charge of the department when the sanction of the Government of India to the entertainment of the necessary staff has been obtained.

(ii) The answer is in the negative.

(b) The matter is under consideration."

By the Hon'ble Rai Radha Charan Pal Bahadur:—

*II.

(a) Has the attention of Government been drawn to a memorandum by Mr. Nilambara Mukherjee, C.I.E., retired vice-chairman of the Corporation of Calcutta and formerly Finance Minister, Kashmir, elaborating a new "scientific scheme of public finance"?

New scientific
scheme of public
finance.

(b) Is it a fact that Sir Daniel Hamilton recorded a testimony in relation to its introduction to the effect that the proposal of Mr. Nilambara Mukherjee is the only scientific system?

(c) Is it also a fact that the author of the scheme alleges that benefit would accrue both to the Imperial and Provincial Government?

(d) Will the Government be pleased to state whether they are considering the matter and whether they propose to take any steps in the matter?

Answer by the Hon'ble Mr. Donald:—

"(a) Government have seen a copy of the memorandum referred to.

(b) Sir D. Hamilton's views are contained in the following extract from a letter written by him to Mr. Mukherjee:—

'I understand your proposal to be that Government should withdraw all silver money from circulation, and print and issue in its stead, whatever paper money may be required to keep every able-bodied man and woman fully employed on productive work, leaving the small metallic money to help out the paper.

What you propose is, in my opinion, the only scientific form of currency, but whether it would be wise to withdraw all silver money immediately is a point on which there is room for difference of opinion.'

Questions and Answers.

(c) The intention of the scheme is the creation of money exclusively in inconvertible paper currency notes to an extent not exceeding the sum total of the rupee values of the natural assets of the country. It is claimed that benefit would thus accrue to the whole Empire.

(d) The scheme has been prepared for the consideration of the Government of India, and as currency problems are a matter for that Government this Government do not propose to take any action."

By the Hon'ble Rai Radha Charan Pal Bahadur:—

***III.**

Effect of the
Bengal
Secretariat
reorganization
scheme of
1910.

(a) Is it a fact that the reorganisation scheme of 1910 has adversely affected the pay and prospects of the lower grade assistants of the Bengal Secretariat who entered that office long before the reorganization scheme and of those assistants who were transferred from the Eastern Bengal and Assam Secretariat in April, 1912?

(b) If so, will the Government be pleased to state what steps have been taken to remove the hardship in the case of the lower grade assistants who entered the Secretariat before the reorganization scheme of 1910 or were transferred from the Eastern Bengal and Assam Secretariat in April, 1912?

(c) What is the pay of a typist and of a lower grade assistant in the Secretariat?

Answer by the Hon'ble Mr. Donald:—

"(a) and (b) In 1910 the clerical staff of the Bengal Secretariat was reorganised and a lower division and an upper division were constituted. It was then laid down that up to 1915 half the appointments to the upper division should be made by promotion from the lower division, and thereafter the lower division should ordinarily have no claim to promotion to the upper division. The position was that the lower division was intended for clerks doing routine work only, and the orders of 1910 contemplated the promotion to the upper division only of clerks fit to undertake the more important work of the upper division. In December 1913 assistants in the lower division submitted a memorial to Government complaining of their prospects and position. The memorial was duly considered; it was found that the memorialists had a genuine grievance, as between 1910 and 1913 promotion from the lower to the upper division had not been in accordance with the orders of 1910, and instructions were issued with a view to the removal of this grievance. The assistants again memorialised Government in 1917, and it was held that the lower division clerks had no case for complaint except that in the case of two departments orders passed in 1910 and 1913 regarding the promotion of such clerks to the upper division had not been fully adhered to. Steps have been taken to remedy this grievance and promotion is now being made in these cases.

(c) The pay of a typist is Rs. 40—2—80 per mensem and that of a lower division clerk varies from Rs. 40 to Rs. 100."

By the Hon'ble Rai Radha Charan Pal Bahadur:—

***IV.**

The post of
the Collector of
Calcutta.

(a) Is it a fact that a member of the Indian Civil Service has been appointed to the post of Collector of Calcutta?

(b) Was not the post hitherto reserved for a member of the provincial executive service, who was also in charge of the treasury?

Questions and Answers.

(c) If the answers to (a) and (b) are in the affirmative, will the Government be pleased to state why a departure has been made in the present case?

(d) Will the Government be also pleased to state who will do the work of the treasury officer under the new arrangement?

Answer by the Hon'ble Mr. Kerr:—

"(a) Yes.

(b) No. The appointment of Collector of land revenue, Calcutta, is reserved by statute for a member of the Indian Civil Service. Until recently the post was held by the Collector of the 24-Parganas *ex officio* and the functions of deputy collector of land revenue, Collector of Stamp revenue and Collector of Excise in Calcutta were exercised by an officer selected from the provincial executive service. Another deputy collector was ordinarily employed as treasury officer and on other miscellaneous work, but in 1916 the deputy collector of land revenue was relieved of most of his duties in connection with excise and no second deputy collector has since been employed.

(c) The arrangement has been found unsatisfactory, and in view of the increasing complexity of the work, particularly in the matter of excise administration, and the magnitude of the financial interests involved, it has been considered necessary to appoint a member of the Indian Civil Service as whole-time Collector of Calcutta. This officer will also be able to discharge a number of other functions which in an ordinary district are performed by the District Officer, but which in Calcutta have hitherto devolved upon the Commissioner of Police.

(d) A deputy collector has been selected to hold charge of the treasury and to perform routine duties in the Calcutta Collectorate."

By the Hon'ble Rai Radha Charan Pal Bahadur:—

*V.

(a) Will the Government be pleased to state whether it is in contemplation to sanction grain compensation allowance to all classes of employes under Government drawing pay up to Rs. 30 per mensem? Grain compensation allowance.

(b) If so, what amount will an individual employé get per mensem as grain compensation allowance under the scheme?

Answer by the Hon'ble Mr. Donald:—

"(a) and (b) No, but a proposal has been made to the Government of India for the grant of a war bonus to such employes."

By the Hon'ble Kumar Shib Shekhareswar Ray:—

*VI.

(a) Will the Government be pleased to state how many new newspapers, periodicals and journals, with political aims, have been started during the last three years, stating their names and also the amount of security which has been taken from each of them under the Indian Press Act, 1910 (I of 1910)? Newspapers, periodicals, etc., started with political aims during the last three years.

(b) Is it a fact that no security has been taken from newspapers published under European management?

Answer by the Hon'ble Mr. Kerr:—

"(a) As it is not clearly understood what is meant by the expression "political aims," a statement of all newspapers, periodicals and journals

Questions and Answers.

started during the last three years is laid on the table, showing whether they have been exempted from the deposit of security, and if not, the amount demanded.

(b) Yes."

Statement referred to in the answer by the Hon'ble MR. KERR to question No. 41 (Starred) asked by the Hon'ble KUMAR SHIB SHEKHARESWAR RAY at the Council Meeting of the 7th April, 1919, giving the names of newspapers, periodicals and journals started during the years 1916, 1917 and 1918.

Serial No.	Name of newspaper, periodical or journal.	Whether exempted from deposit of security or if not exempted, amount demanded.
1916.		
1.	Abhan ...	Exempted.
2.	Adib ...	Rs. 1,000.
3.	Akhyan ...	Exempted
4.	Akon ...	Ditto.
5.	Anath Bandhu ...	Ditto.
6.	Ayurved ...	Ditto.
7.	Bani ...	Ditto.
8.	Basanti ...	Ditto.
9.	Bengal Economic Journal ...	Ditto.
10.	Chhatrarajan ...	Ditto.
11.	College Magazine, Chittagong ...	Ditto.
12.	Dinajpur Patrika ...	Rs. 500.
13.	Girl Guides News Sheet for India ...	Exempted.
14.	Hare School Magazine ...	Ditto.
15.	Islam Darsan ...	Ditto.
16.	Jogbal ...	Ditto.
17.	Karma ...	Ditto.
18.	Khulna ...	Ditto.
19.	Krishti Sambad ...	Ditto.
20.	Looker-on ...	Ditto.
21.	Magazine of the Church Missionary Society High School ...	Ditto.
22.	Malancha ...	Rs. 500.
23.	Manasi O Marmabani ...	Exempted.
24.	Matriculation English, Weekly ...	Ditto.
25.	Midnapore College Magazine ...	Ditto.
26.	Naivedya ...	Ditto.
27.	Namasudra Hitaishi, Dacca ...	Ditto.
28.	Navaroz ...	Ditto.
29.	Noukhali ...	Ditto.
30.	Pataka ...	Ditto.
31.	Power ...	Rs. 500
32.	Pratidhawani ...	Exempted.
33.	Pratishtha ...	Ditto.
34.	Pushpanjali ...	Ditto.
35.	Sachitra Sadhan Bijnan ...	Ditto.
36.	Sadaqat ...	Rs. 1,000.
37.	Sasangini Sajjantoshini, Nadia ...	Exempted.
38.	Scholar, Chittagong ...	Ditto.
39.	School Boy's Friend ...	Ditto.
40.	Sib Sangit Patrika ...	Ditto.
41.	Sib Sangit Patrika ...	Ditto.
42.	Sri Krishna Pathsala Magazine ...	Ditto.
43.	Subarnabanik Samachar ...	Ditto.
44.	Subrid, Bakarganj ...	Ditto.
45.	Sunday School Magazine, Tamluk, Midnapore.	Ditto.
46.	Syangram School Magazine, Dacca ...	Ditto.
47.	Upachar, Malda ...	Rs. 500.
48.	Young Men's Christian Association	Exempted.
Notes.		

Questions and Answers.

Serial No.	Name of newspaper, periodical or journal.	Whether exempted from deposit of security or if not exempted, amount demanded
1917.		
1.	Assam Diocesan Magazine ...	Exempted.
2.	Bina ...	Ditto.
3.	Bikas, Rangpur ...	Ditto.
4.	Boy Scout Gazette of India ...	Ditto.
5.	Chota Nagpur Diocesan Paper, Ranchi ...	Ditto.
6.	Commercial Record ...	Ditto.
7.	Indian Film Gazette ...	Ditto.
8.	Indian Ink ...	Ditto.
9.	Jambur ...	Rs. 1,000.
10.	Janani ...	Rs. 500.
11.	Journal of the United Provinces Historical Society.	Exempted.
12.	Katha ...	Ditto.
13.	Murari Chandra College Magazine, Dacca ...	Ditto.
14.	Madhuri ...	Rs. 500.
15.	Masjid, Khulna ...	Exempted.
16.	Naqqash ...	Rs. 1,000.
17.	Navavani ...	Exempted.
18.	Pracharak ...	Ditto.
19.	Prabhat, Assam ...	Ditto.
20.	Pratibha, Dacca ...	Ditto.
21.	Seva ...	Ditto.
22.	Star ...	Ditto.
23.	St. James' Parish Magazine ...	Ditto.
24.	St. Paul's College Magazine ...	Ditto.
25.	Sukha Samachar, Dacca ...	Exempted.
26.	Sudhamaya ...	Ditto.
27.	Tirmizee ...	Rs. 1,000.
28.	Tripura Gazette, Comilla ...	Exempted.
29.	Visvamitra ...	Rs. 500.

1918

1.	The Business World ...	Rs. 500.
2.	Prem Pushpa ...	Rs. 500.
3.	Millat ...	Rs. 1,000.
4.	Rahbar ...	Rs. 1,000.
5.	Mawar Bhanodoy ...	Rs. 500.
6.	Teli Samachar ...	Exempted.
7.	Mukul ...	Ditto.
8.	Tips and Taps ...	Ditto.
9.	Pudmawati Purwal ...	Ditto.
10.	Bureau de Worlds News ...	Ditto.
11.	Swastha Mandir Patrika ...	Ditto.
12.	Scientific Horticulture ...	Ditto.
13.	Hanneman ...	Ditto.
14.	Business ...	Ditto.
15.	The Regiment Circular ...	Ditto.
16.	Master Minds, 24-Parganas ...	Ditto.
17.	Veterinary Journal of India, 24-Parganas ...	Ditto.
18.	Rash Dipika, Birbhum ...	Ditto.
19.	Bhumi Lakshmi, Birbhum ...	Ditto.
20.	Santi Niketan, Birbhum ...	Ditto.
21.	The Bengal Presidency Gazette, Nator Rajshahi ...	Ditto.
22.	Dacca Collegiate School Magazine ...	Ditto.
23.	The Nava Kumar Institution Magazine, Dacca ...	Ditto.
24.	Dacca Law Society Journal ...	Ditto.
25.	Seba, Dacca ...	Ditto.
26.	Barisal Zilla School Magazine ...	Ditto.

*Questions and Answers.***UNSTARRED QUESTIONS.***(Answers to which were laid on the table.)***By the Hon'ble Babu Akhil Chandra Datta:—****1.**

Particulars
as to the cadre
of Deputy
Superintendents
of Police in
Bengal.

(a) Will the Government be pleased to state the sanctioned number of Deputy Superintendents of Police in the provincial cadre of the police force?

(b) How many of these are direct appointments?

(c) How many are held by promoted inspectors?

(d) How many of the latter appointments are held by European and Anglo-Indian inspectors?

Answer by the Hon'ble Mr. Kerr:—

"(a) Twenty-nine.

(b) Fourteen.

(c) Fifteen.

(d) Four."

By the Hon'ble Babu Akhil Chandra Datta:—**2.**

History of
service of each
European and
Anglo-Indian
Deputy
Superintendent
of Police.

Will the Government be pleased to lay on the table a statement giving a history of the service of each of the European and Anglo-Indian Deputy Superintendents of Police showing—

(a) the various appointments they have held since they were admitted into Government service;

(b) the nature of the duties they performed in each of those appointments (*i.e.*, whether they were in charge of any crime or investigation work or were in charge of some office, drill or discipline); and

(c) what pay they received in each of the appointments?

Answer by the Hon'ble Mr. Kerr:—

"A statement giving the history of the services of these officers in non-gazetted posts, so far as it is available, is laid on the table. Their services after promotion to the rank of deputy superintendent are stated in the history of services of gazetted officers."

Questions and Answers.

Statement referred to in the answer by the Hon'ble Mr. KERR to question No. 2 (Unstarred) asked by the Hon'ble BABU AKHIL CHANDRA DATTA at the Council Meeting of the 7th April, 1919, showing the non-gazetted services of certain European and Anglo-Indian Deputy Superintendents of Police.

Mr. A. J. M. Matthews Enlisted as a head constable on Rs. 25, 26th May 1885.

Promoted to Sub-Inspector—

(3rd grade) on Rs. 60, 1st January 1886.

(2nd grade) on Rs. 70, 1st June 1886.

(1st grade) on Rs. 80, 6th August 1891.

Promoted to Inspectorship—

(4th grade) on Rs. 100, 20th May 1893.

(3rd grade) on Rs. 150, 1st May 1896.

} Town Police.

(2nd grade) on Rs. 200, 27th October 1898. Mill Inspector.

(1st grade) on Rs. 250, 7th April 1903. Town Police.

Promoted to the rank of Deputy Superintendent of Police on Rs. 250, 11th June 1908.

Mr. R. C. Durup de Dombal. Was a clerk prior to joining the Eastern Bengal and Assam Police on the 20th August 1907 as Inspector of Police, 3rd grade, on Rs. 175, and posted to the River Police. He was transferred to the Criminal Investigation Department on the 5th December 1909, and while there was promoted to the 4th grade of Deputy Superintendent of Police on the 1st October 1910.

Mr. W. Murray ... Enlisted as Sub-Inspector, 4th grade, 7th July 1899. Promoted to 4th grade Inspector, 4th October 1900. Promoted to 3rd grade Inspector, 24th August 1904. Promoted to 2nd grade Inspector, 7th July 1906. Held charge of the Sambalpur District from the 9th September 1908 to the 12th October 1909; on reversion was employed on Reserve and Town Police duties.

Mr. J. Harlow ... Enlisted as a 3rd grade Armed Police Inspector on Rs. 175 on the 19th June 1905 and posted to the Constables' Training School at Purulia. Was promoted to the 2nd grade on the 1st April 1907. Was promoted to act as Deputy Superintendent of Police from the 16th December 1908 and appointed Principal of the Constables' Training School, Berhampore. Was promoted substantive *pro tempore* to the 4th grade of Deputy Superintendent of Police on the 1st July 1917.

By the Hon'ble Babu Akhil Chandra Datta:—

3.

Will the Government be pleased to lay on the table a comparative statement showing the educational qualifications of—

(a) the European and Anglo-Indian Deputy Superintendents of Police; and

(b) the Indian Deputy Superintendents of Police?

Educational qualifications of certain Deputy Superintendents of Police.

Answer by the Hon'ble Mr. Kerr:—

"A statement is laid on the table."

Questions and Answers.

Statement referred to in the answer by the Hon'ble MR. KERR to question No. 3 (Unstarred) asked by the Hon'ble BABU AKHIL CHANDRA DATTA at the Council Meeting of the 7th April, 1919, showing the educational qualifications of certain Deputy Superintendents of Police.

Europeans and Anglo-Indians (promoted inspectors).

European High School standard	1
Entrance Examination	...	...	1
Army Certificate of Education (second, third and fourth class)	...	...	1
Not passed any examination	...	...	1

Indians.**(i) Cadre of directly appointed officers—**

M. A.	...	...	...	...	1
B. A.	...	...	...	...	9
B. Sc.	...	...	...	...	1
F. A.	...	...	...	...	2
Entrance Examination	...	...	...	...	1

(ii) Cadre of promoted Inspectors—

M. A.	...	...	...	...	1
B. A.	...	...	...	...	1
F. A.	...	...	...	...	1
Entrance Examination	...	...	...	...	5
European High School standard	...	...	...	...	1
Not passed any examination	...	...	...	...	2

By the Hon'ble Babu Akhil Chandra Datta:—

4.

(a) Is it a fact that, according to the recommendations of the Police Commission, European inspectors or officers are not eligible for the posts of Deputy Superintendents of Police?

(b) If so, have these recommendations been adhered to?

(c) If not, when, under whose orders, and for what reasons were they disregarded?

Answer by the Hon'ble Mr. Kerr:—

"(a) No.

(b) and (c) These questions do not arise."

By the Hon'ble Babu Akhil Chandra Datta:—

5.

Is it a fact that the posts of Deputy Superintendent of Police were created solely for the natives of India?

Answer by the Hon'ble Mr. Kerr:—

"No. Only direct appointments to deputy superintendentships are reserved for natives of India, but only those European inspectors who are shown to the satisfaction of the Government of India to have adopted an Indian domicile are eligible for promotion to deputy superintendentships."

Alleged non-eligibility of European inspectors or officers for the posts of Deputy Superintendents of Police.

Posts of Deputy Superintendents of Police and Indians.

*Questions and Answers.***By the Hon'ble Babu Akhil Chandra Datta:—**

6.

(a) Is there any limit in the percentage of the number of appointments of European and Anglo-Indian Deputy Superintendents of Police?

(b) If so, what is the present percentage?

Percentage of the number of appointments of European and Anglo-Indian Deputy Superintendents of Police.

Answer by the Hon'ble Mr. Kerr:—

(a) Yes; the number of European inspectors who may be promoted to deputy superintendships is proportionate to the recognised European strength in the grade of inspectors.

(b) As the cadre stands at present the maximum number of European or Anglo-Indian inspectors who may be promoted to the rank of deputy superintendent is seven."

By the Hon'ble Babu Akhil Chandra Datta:—

7.

(a) Will the Government be pleased to state how many European and Anglo-Indian inspectors of police have been appointed to officiate as Deputy Superintendents of Police?

Domicile of European and Anglo-Indian officers of the Police.

(b) Is it a fact that while serving as sergeants and inspectors they state that their domicile is outside of India, but that when the question of their promotion to the rank of Deputy Superintendent arises, they change their domicile to India?

(c) Will the Government be pleased to state the domicile of all permanent and officiating European Deputy Superintendents of Police prior to their being appointed or promoted to be Deputy Superintendents of Police?

Answer by the Hon'ble Mr. Kerr:—

(a) At present three European or Anglo-Indian inspectors are officiating as deputy superintendents.

(b) No. No declaration is required as to the domicile of candidates for appointment to the rank of sergeant or inspector. This is only required when such officers are promoted to the rank of deputy superintendent.

(c) A statement is laid on the table."

Statement referred to in the answer by the Hon'ble Mr. KERR to question No. 7 (Unstarred) asked by the Hon'ble BABU AKHIL CHANDRA DATTA at the Council Meeting of the 7th April, 1919, showing the domicile of all permanent and officiating European Deputy Superintendents of Police.

Name.	Place of domicile.
1. Mr. A. J. M. Matthews	... Born and domiciled in India.
2. „ R. C. Durup de Dombal	... Ditto ditto.
3. „ W. Murray	... Ditto ditto.
4. „ J. Harlow	... Born in England. Resident in India since 1887 and now domiciled in India.
5. „ E. J. C. Mayne	... Born and domiciled in India.
6. „ E. Brown	... Ditto ditto.
7. „ A. H. Ray	... Born in England. Resident in India since 1894 and now domiciled in India.

Questions and Answers.

By the Hon'ble Babu Akhil Chandra Datta:—

8.

Gazetting
of the
appointments
of officiating
Deputy
Superintendents
of Police.

Are the officiating Deputy Superintendents of Police gazetted officers? If so, are their appointments, postings, transfers, etc., made by Government and published in the *Calcutta Gazette*, like those of gazetted officers of other Departments and of permanent Deputy Superintendents of Police? If not, what are the reasons?

Answer by the Hon'ble Mr. Kerr:—

"Officiating deputy superintendents of police are gazetted officers. Their appointments, postings, and transfers are made by the Inspector-General of Police, to whom the power was delegated in 1911."

By the Hon'ble Babu Akhil Chandra Datta:—

9.

Special powers
of the Inspector-
General of
Police to make
appointments
of officiating
Deputy
Superintendents.

(a) Is it a fact that the Inspector-General of Police has been vested with special powers to make the appointments of officiating Deputy Superintendents?

(b) If so, will the Government be pleased to state the reason for this innovation in the case of the Police Department, while in other services Government retain the power in their own hands regarding gazetted officers?

Answer by the Hon'ble Mr. Kerr:—

"(a) Yes.

(b) The Police Department is not the only department in which the powers of making such appointments has been delegated to the head of the department. In the Education Department the Director of Public Instruction has been empowered to make appointments to the two lowest grades of the Provincial Educational Service. Such delegations are made for greater convenience in the transaction of business."

By the Hon'ble Babu Akhil Chandra Datta:—

10.

Rule as to
inspectors
officiating as
Deputy
Superintendents
of Police.

(a) Is there any definite rule regarding the selection of inspectors to officiate as Deputy Superintendents of Police?

(b) Is efficiency or seniority the test of selection?

Answer by the Hon'ble Mr. Kerr:—

"(a) Yes. A copy of the rules is laid on the table.

(b) The Hon'ble Member is referred to the rules."

Rules referred to in the answer by the Hon'ble Mr. KERR to question No. 10 (Unstarred) asked by the Hon'ble BABU AKHIL CHANDRA DATTA, at the Council Meeting of the 7th April, 1919, regarding the system of selection of Inspectors for promotion to the rank of Deputy Superintendent.

The attention of Deputy Inspectors-General and Superintendents of Police is drawn to rule 18, Part I of the Police Regulations regarding the appointment of Deputy Superintendents. Clause (h) of the rule deals with the promotion of Inspectors to the rank of Deputy Superintendent, but it does not lay down definite instructions as to the manner of selection.

Questions and Answers.

with the result that there is no uniformity of procedure. The Inspector-General has given the matter his careful consideration and, with the approval of Government, the following provisional rules are issued for the guidance of all officers concerned :—

(1) No Inspector shall be appointed to act as Deputy Superintendent unless all the local officers concerned (the Superintendent, District Magistrate and Deputy Inspector-General) are unanimous in their opinion that he has the necessary qualifications for the post of permanent Deputy Superintendent and is likely to prove a success as such. In submitting their nominations, the local officers and the Deputy Inspector-General must clearly understand that no officer should be nominated for promotion who does not possess a thoroughly clean record as regards honesty and who is not of marked ability. The name of an officer is not to be submitted solely on the ground of seniority, but what is required is seniority combined with merit and it is rather the latter than the former that should be the determining factor. If seniority is strictly observed it will not be possible to promote especially smart junior officers, and this will practically mean that the cadre of promoted Inspectors will consist of officers of only ordinary intelligence and capability. It is, therefore, essential that in selecting officers for this important post it should not be sufficient for a possible candidate to be able to point to a clean sheet. Most Inspectors can do this. Apart from the question of conduct an officer must possess qualifications and ability such as will enable him to perform the duties required of a superior officer of the rank of Deputy Superintendent. If regard is had only to good conduct as the sole qualification, the principle of selection ceases to exist.

(2) The Inspector-General will interview all the officers who are nominated, and if he is satisfied that they are suitable, their names will be entered in a provisional list and they will be appointed to act as vacancies occur.

(3) After an officer has acted for a year the local officers and the Deputy Inspector-General will be required to submit a full report on his work and conduct with a definite opinion whether his outturn of work is of the standard required of a Deputy Superintendent. If the report is favourable his name will be entered in an "approved list" and he will be allowed to continue for another year provided there is a vacancy for him. After an officer has acted for two years the local officers and the Deputy Inspector-General will be required to submit a further report regarding his work and if it is found that he has maintained his efficiency throughout, the fact that he is fit for permanent promotion shall be noted against his name in the "approved list" from which all sub. *pro tem* and permanent promotions shall ordinarily be made in order of seniority. Ordinarily a Superintendent or Deputy Inspector-General should be in position to report after a year on the fitness or otherwise of an Inspector to be placed on the "approved list" and it is only in very exceptional cases, which will have to be clearly explained, that a second year's trial will be permitted. If the Superintendent watches the work of an Officiating Deputy Superintendent as he should, there ought to be no difficulty in arriving at a conclusion at the end of a year. The Deputy Inspector-General should have a list of the officiating men in his charge with a column showing the date on which the year's trial will expire and he should make a point of examining their work within the year so as to be in a position to give a decided opinion. It should be understood that transfers of officers under trial should be avoided as far as possible. If an officer serves under two or three Superintendents in the course of a year, difficulties will arise and if his transfer is essential in the interests of the public service, the Superintendent under whom he is employed shall at once submit a report to the Deputy Inspector-General for the period he served under him.

Questions and Answers.

(4) If after a year's work as an acting Deputy Superintendent an officer is found to be unfit or unsuitable, he will revert to his substantive rank and will ordinarily not be allowed to act again. If, however, his case is found to be doubtful and the local officers and the Deputy Inspector-General are unable to express a definite opinion regarding his fitness or otherwise for promotion to gazetted rank, he will be allowed to act for a further period, but in no case shall the name of an officer be ordinarily retained in the "approved list" for more than two years unless he can show within that period that he is fit for promotion.

(5) All acting Deputy Superintendents shall be required to pass the prescribed departmental examinations within two years unless exempted by Government from passing in any subject or unless they have already passed a corresponding examination in any of the subjects prescribed under the rules for the departmental examination of subordinate police officers.

(6) Clause (j) of the rule lays down that Deputy Superintendents shall be on probation for two years and that at the end of that period, if favourably reported on, if they have passed the prescribed departmental examinations, they will be confirmed. Under the existing system an Inspector who has already acted as Deputy Superintendent for two years or more is required to serve the full period of probation on being promoted to a permanent vacancy. This is unnecessary in the case of an officer who has already shown by his work and conduct that he is fit for permanent promotion. In future, if an officer has acted as Deputy Superintendent for two years and has passed the prescribed departmental examinations he will be promoted permanently if the vacancy is permanent. In the case of an officer who has not acted as Deputy Superintendent for full two years his period of probation shall count from the date on which he began to act as such.

2. The cases of all existing acting Deputy Superintendents will be regulated by the foregoing rules.

By the Hon'ble Babu Akhil Chandra Datta:—

11.

Principle of selection of permanent Deputy Superintendents of Police.

(a) What is the principle of selection of permanent Deputy Superintendents of Police from the ranks of officiating Deputy Superintendents of Police?

(b) When an officer is selected to officiate on the ground of efficiency, is the length of the officiating period taken into consideration for permanent promotion, or is age or seniority in the service held as the criterion for selection?

(c) What principle has of late been followed in making these selections?

(d) Do the Government recognise the principle that efficiency in their work as officiating Deputy Superintendents of Police should be the only test in making these appointments?

(e) Will the Government be pleased to publish the names of officiating Deputy Superintendents of Police, noting how long each has been officiating and in what vacancy each has been provided with the acting appointment?

Answer by the Hon'ble Mr. Kerr:—

"(a) (b) (c) and (d) The Hon'ble Member is referred to the rules which have been laid on the table in reply to question No. 10 (unstarred).

(e) A list of the officers who were officiating as deputy superintendents on the 1st January, together with the date from which each has been acting, is laid on the table. It is not possible to state in what vacancy each officer has been provided with an acting appointment, as acting arrangements are made in leave vacancies in the cadre and also to fill deficiencies in the rank of assistant superintendents, and the chain of arrangements is constantly fluctuating."

Questions and Answers.

List referred to in the answer by the Hon'ble MR. KERR to question No. 11 (Unstarred) asked by the Hon'ble BABU AKHIL CHANDRA DATTA at the Council Meeting of the 7th April, 1919.

No.	NAME.	Date of first appointment to the Bengal Police.	Length of actual service.	Total non-residence.	Total service.	Date of appointment to the present grade.	District and date of joining.	REMARKS.
Officiating Deputy Superintendents of Police.								
			Y. M. D.		Y. M. D.			
1	Sarat Sasi Datta (B. 16-10-1863).	1-10-1888	34 0 14(a)	...	34 0 14	27-5-1914	Dinajpur, 6-4-1914.	
2	Edward John Charles Mayne (B. 17-7-1882). (Hind.)	18-10-1906	10 2 14	...	10 2 14	1-7-1914	Midnapur.	
3	Narendra Chandra Sen, B.L. (B. 1-7-1881). (Hind.) (b)	6-8-1905	13 5 26	...	13 5 26	26-9-1916	Kushtia, Nadia.	Priv. iv. for 3 months from 9-1-1919.
4	Edward Brown (B. 29-2-1876).	18-6-1897	22 6 16	...	22 6 16	24-8-1917	Dacca City, 25-8-1917.	Draws a conveyance allowance of Rs. 50 a month.
5	Saiyid Rasidun Nabi, B.A. (B. 1-7-1881).	6-5-1905	16 8 11	...	16 8 11	20-12-1916	Hooghly, 20-12-1916.	
6	Upendra Kumar Basu (B. 1-7-1871). (b)	6-3-1894	24 9 26	...	24 9 26	12-11-1916	Pabna, 6-1-1918.	
7	Nagendra Chandra Basu (B. 1-7-1869).	24-2-1891	27 10 0	...	27 10 0	16-7-1916	Intelligence Branch, Bengal, Calcutta, 7-7-1916.	Draws a duty allowance of Rs. 150 a month and house allowance of Rs. 50 a month.
	William Frederick Wainright (B. 30-6-1881).	6-6-1903	15 6 26	...	15 6 26	20-10-1916	...	Permitted to undertake military duties in Europe during the duration of the war.
8	Benode Behari Gupta (B. 1-7-1867).	6-6-1888	30 4 26	...	30 4 26	3-1-1917	Balrighat, Dinajpur, 30-8-1918.	
9	Bhimbesh Charan Das (B. 1-8-1872).	18-5-1894	24 7 14	...	24 7 14	9-1-1916	Howrah, 8-9-1917.	Offg. Principal, Detective Training School. Draws a duty allowance of Rs. 75 a month. Priv. iv. for 15 days from 2-1-1919.
10	Chandra Kanta De (B. 1-7-1872).	7-10-1893	25 2 25	...	25 2 25	26-7-1916	Dacca, 28-11-1916.	Temporarily.
11	Umesh Chandra Chanda (B. 1-7-1872).	2-3-1894	24 10 0	...	24 10 0	26-10-1916	Dacca, 11-1-1918.	Pr. iv. for 3 mos. from 21-10-1918.
12	Chandi Charan Mukharji (B. 1-7-1876).	1-7-1897	21 0 0	...	21 0 0	18-8-1916	Sadar & Division, 24 Parganas, 11-12-1918.	Draws a house allowance of Rs. 20 a month.

(a) Including service prior to joining the Police.
(b) Passed in drill.

Questions and Answers.

No.	NAME.	Date of first appointment to the Bengal Police.	Length of actual service.	Total non-residence.	Total service.	Date of appointment to the present grade.	District and date of joining.	REMARKS.
Officiating Deputy Superintendents of Police.								
			Y. M. D.		Y. M. D.			
13	Sital Chandra Sen (B. 16-6-1870)(a)	10-9-1891	27 4 19	...	27 4 19	10-5-1915	Chittagong, 24-12-1917.	
14	Aswini Kumar Guha (B. 30-1-1877)	12-6-1900	18 6 19	...	18 6 19	23-7-1915	Dacca ...	King's Police Medal, 1911, and Royal Victorian Medal, 1911. Offr. P. P. Nadia, 18-8-1916.
15	Ambika Charan Chakrabarti (B. 18-10-1872).	17-1-1894	22 9 14	...	22 9 14	4-8-1915	Khanna, 4-3-1916.	
16	Hari Kumar Gupta, n.l. (B. 13-12-1883).	9-3-1903	10 9 22	...	10 9 22	26-7-1916	Morshidabad, 26-7-1916.	
17	Ashutosh Banarji (B. 1-7-1870).	1-12-1892	26 0 16	...	26 0 16	23-7-1915	Mymensingh 1-1-1917.	
18	Mir Abdus Sobhan (B. 1-7-1874) (a) (Accounts). (Hind.)	1-4-1896	21 6 0	...	21 6 0	14-7-1916	Tippers, 14-7-1916.	
19	Harendra Kishore Ghosh (B. 1-7-1872).	16-9-1896	21 10 16	...	21 10 16	1-7-1917	Jessore, 1-7-1917.	
20	Nishi Kanta Banarji (B. 1-7-1871).	10-9-1894	24 2 22	...	24 2 22	12-7-1916	Birbhum, 2-7-1916.	
21	Sarat Chandra Ghosh (B. 1-7-1878).	6-2-1897	20 10 23	...	20 10 23	4-8-1917	Burdwan, 4-8-1917.	
22	Aswini Kumar Banarji (B. 1-7-1873).	1-9-1896	22 11 0	...	22 11 0	6-9-1917	Malda, 27-9-1916.	
23	Priya Nath De, M.A., n.l. (B. 1-7-1880).	4-1-1906	12 11 23	...	12 11 23	25-10-1917	Barnett, Basirhat, 18-9-1918, 21-Pargannas, 26-12-1917.	
24	Jnanananda Chakrabarti (B. 1-7-1873).	1-2-1896	22 11 0	...	22 11 0	1-7-1916	C.I.D., Bengal, Calcutta, 1-7-1916.	Draws a Deputation (duty) allowance at 1/4 of salary.
25	Sarat Chandra Acharji (B. 1-7-1874).	1-2-1896	22 11 0	...	22 11 0	1-7-1917	Nadia, 1-2-1917.	
26	Yakub Ali Khan (B. 1-7-1889) (Accounts) (B. in L. & H.).	4-1-1912	6 11 22	...	6 11 22	17-12-1917	Saranpur, Hooghly, 18-2-1918.	
27	Heramba Chandra Bagchi (B. 1-7-1876).	10-2-1896	20 10 22	...	20 10 22	6-2-1917	Kishoreganj, Mymensingh, 1-12-1917.	
28	Uma Prasad Ganguli (B. 1-7-1873).	6-9-1897	21 10 26	...	21 10 26	26-9-1917	...	On combined leave for 6 months from 1-12-1916.

Questions and Answers.

No.	NAME	Date of first appointment to the Bengal Police.	Length of actual service.	Total non-residence.	Total service.	Date of appointment to the present grade.	District and date of joining.	REMARKS.
Officiating Deputy Superintendents of Police.								
			Y. M. D.		Y. M. D.			
29	Braja Bihari Barman (B. 1-7-1873).	6-2-1897	31 10 36	...	31 10 36	19-9-1917	Bankura. 19-9-1917.	
30	Manmatha Nath Mukharji, B.A. (B. 1-7-1880).	1-8-1906	13 8 1	...	13 8 1	11-2-1917	Kharagpur. Midnapur. 20-2-1917.	
31	Surendra Nath Banarji (B. 1-7-1872).	1-11-1894	24 2 0	...	24 2 0	6-9-1916	Intelligence Branch, Bengal. Calcutta. 6-1-1916.	Draws a duty allowance of Rs. 150 a month and house allowance of Rs. 50 a month.
32	Jadab Chandra Chakrabatti (B. 1-7-1877).	1-11-1906	20 2 0	...	20 2 0	11-1-1917	Bagerhat. Khulna. 11-1-1917.	
	Satish Chandra Banarji (B. 1-7-1886).	29-1-1906	13 21 3	...	29 11 3	21-4-1917	...	King's Police Medal, 1917. On deputation under D. C. I., Dymia.
33	Anath Bandhu Chakrabatti (B. 1-7-1879).	1-9-1901	17 4 0	...	17 4 0	10-9-1917	Rajshahi. 10-9-1917.	
34	Rai Sahib Satish Chandra Mazumdar (B. 1-7-1882) (Accounts). (Law with books by H.S.)	1-8-1906	13 8 1	...	13 8 1	26-9-1916	Intelligence Branch, Bengal. Calcutta. 1-9-1916.	Draws a duty allowance of Rs. 150 a month and house allowance of Rs. 50 a month. King's Police Medal, 1917.
35	Anadi Nath Ghosh (B. 1-7-1872) (Accounts).	16-4-1905	25 8 16	...	25 8 16	29-4-1917	Tangail. Mymensingh. 17-10-1917.	
36	Manindra Nath Banarji, B.A. (B. 1-7-1882) (Accounts). (Law by L. and H. S.).	16-7-1903	15 5 14	...	15 5 14	6-4-1916	O. T. D., Bengal. Calcutta. 26-4-1916.	Draws a depu. (duty) allow. at 3/4 of salary.
37	Bepin Behari Mukharji (B. 1-7-1871).	1-2-1895	23 11 0	...	23 11 0	11-9-1916	Sadar A and Diamond Harbour. 24-Parganas. 11-8-1916.	Draws a house allowance of Rs. 50 a month.
38	Bhupendra Nath Chatterji (B. 1-7-1878).	26-7-1900	18 5 6	...	18 5 6	17-4-1917	Intelligence Branch, Bengal. Calcutta. 6-10-1916.	Draws a duty allowance of Rs. 150 a month and house allowance of Rs. 50 a month. King's Police Medal, 1917.
39	Radha Gobinda Kundu, B.A. (B. 16-12-1870). (Accounts and Law by H. S.).	6-5-1894	24 7 24	...	24 7 24	10-3-1916	Manikganj. Dacca. 26-11-1916.	Temporarily.
40	Parbati Raman Sen (B. 1-7-1874).	1-10-1896	23 3 1	...	23 3 1	12-6-1916	Bogra. 23-12-1916.	
41	Nagendra Nath Sen Gupta, B.A. (B. 1-7-1882).	1-5-1906	13 5 1	...	13 5 1	6-7-1917	Narayanganj. Dacca. 13-6-1916.	
42	Albert Henry Ray (B. 29-5-1874) (Accounts).	9-6-1906	13 4 23	...	13 4 23	1-1-1916	O. T. S., Bardah. 1-1-1916.	
43	Khiron Prasad Datta (B. 1-7-1872).	2-4-1892	26 7 0	...	26 7 0	16-4-1916	Kushtia. Nadia. 16-4-1916.	Draws a duty allow. of Rs. 50 a month.

Questions and Answers.

By the Hon'ble Babu Akhil Chandra Datta:—

12.

Vacancies in
the rank of
Assistant
Superintendents
of Police.

What is the total number of vacancies in the rank of Assistant Superintendents of Police, and how long have those vacancies been in existence and filled by officiating Deputy Superintendents?

Answer by the Hon'ble Mr. Kerr:—

"There are at present 40 vacancies in the rank of assistant superintendents. They are due to the cessation of recruitment for the Indian Police during the war, and have not been filled up by the promotion of deputy superintendents or otherwise."

By the Hon'ble Babu Akhil Chandra Datta:—

13.

Vacancies in
the rank of
Deputy
Superintendents
of Police.

(a) What is likely to be the average number of vacancies in the rank of Deputy Superintendents of Police for the next three years?

(b) Is any list kept of the officiating Deputy Superintendents of Police who have been considered fit for permanent promotion?

(c) If so, will the Government be pleased to lay the list on the table showing against each when he was considered fit for confirmation and how long he has been waiting, and stating whether the names in the list are placed according to the priority of selection and length of officiating period, or only according to seniority of service?

(d) Are the Government considering the advisability of framing some rules which will secure the best men for this service? If such rules exist, will the Government be pleased to lay them on the table and explain the principle underlying those rules?

(e) How many officiating Deputy Superintendents of Police held charge of subdivisions during the last three years, and for what periods in each case?

(f) Has any of them been found fit to hold charge of a district or training-school as officiating Superintendent of Police or Principal of the training-school, respectively?

(g) If so, will the Government be pleased to state the number of such officers, showing how long each has acted or has been acting in any of the above vacancies?

(h) Will the Government be pleased to state how and when Government propose to appoint permanently those officiating Deputy Superintendents of Police who are considered fit for permanent promotions?

(i) Do the Government contemplate allotting some of the posts of Assistant Superintendents of Police for the absorption of the officiating Deputy Superintendents of Police, or proportionately increasing the *cadre* of Deputy Superintendents of Police?

(j) Do the Government contemplate the granting of any extension, or have the Government granted any extension of service, to any of the Deputy Superintendents of Police who have completed the age of 55 years?

Answer by the Hon'ble Mr. Kerr:—

"(a) Six.

(b) Yes.

(c) Government are not prepared to publish information of this nature regarding individual officers.

Questions and Answers.

- (d) The rules have been laid on the table in answer to question No. 10.
- (e) A statement is laid on the table.
- (f) Yes.
- (g) Two statements are laid on the table.
- (h) When permanent vacancies occur.
- (i) It is not proposed to adopt the first suggestion. The cadre of Deputy Superintendents will be increased if necessary to meet the exigencies of the service, when funds are available.
- (j) One deputy superintendent of police is at present on extension of service which will expire on the 1st July. No proposals for the grant of extensions to other officers are at present under the consideration of Government."

Statement referred to in clause (e) of the answer by the Hon'ble MR. KERR to question No. 13 (Unstarred) asked by the Hon'ble BABU AKHIL CHANDRA DATTA at the Council Meeting of the 7th April, 1919.

List of Officiating Deputy Superintendents who have held charge of Subdivisions during the last three years (1916-1918).

Name.	Period during which he held charge.	
	From—	To—
1. Mr. E. J. C. Mayne	1st July 1914	2nd July 1916.
	9th September 1916	19th August 1918.
	29th August 1918	31st December 1918.
2. Babu Kedareswar Chakrabatti	25th July 1915	8th July 1916.
3. Mr. F. J. R. Moss	6th December 1916	28th August 1917.
4. Babu Nagendra Chandra Basu	20th October 1915	30th June 1916.
5. " Sris Chandra Kanjilal	28th April 1915	2nd January 1916.
6. Rai Sahib Jogesh Chandra Bhaumik.	13th October 1914	11th June 1916.
7. Babu Chandra Kanta De	26th July 1915	23rd November 1918.
8. " Narendra Chandra Bhattacharji.	7th March 1915	1st April 1916.
9. " Narendra Kumar Mullik	1st July 1916	23rd December 1916.
10. " Bhabesh Charan Das	13th " "	2nd August 1917.
11. " Aswini Kumar Guha	12th June 1916	14th " 1918.
12. " Upendra Kumar Basu	15th November 1916	5th December 1916.
13. " Chandi Charan Mukharji	18th August 1916	16th October 1917.
14. " Ashutosh Banarji	6th September 1916	25th August 1917.
15. " Sarat Chandra Ghosh	17th August 1916	28th September 1917.
16. " Aswini Kumar Banarji	15th November 1916	3rd July 1917.
	7th September 1917	20th September 1918.
17. " Jadab Chandra Chakrabatti	11th January 1917	31st December 1918.
18. " Radha Gobinda Kundu	1st April 1917	19th June 1917.
19. " Kshetra Nath Basu	23rd May 1917	2nd July 1917.
	4th July 1917	1st August 1918.
20. " Narendra Chandra Sen	9th July 1917	23rd December 1918.
21. " Manmatha Nath Mukharji	30th August 1917	31st December 1918.
22. " Uma Prasad Ganguli	28th September 1917	1st December 1918.
23. " Anadi Nath Ghosh	17th October 1917	31st December 1918.
24. " Ananda Mohan Guha	26th August 1917	1st July 1918.
25. Maulvi Yakub Ali Khan	26th February 1917	31st December 1918.
26. Babu Binode Bihari Gupta	20th August 1918	31st December 1918.
27. " Bepin Bihari Mukharji	11th August 1918	31st December 1918.
28. " Priya Nath De	16th September 1918	31st December 1918.
29. " Heramba Chandra Bagchi	1st December 1918	31st December 1918.
30. " Nagesh Chandra Mukharji	28th October 1918	31st December 1918.
31. " Nagendra Nath Sen Gupta	13th August 1918	31st December 1918.
32. " Kshirode Prasad Datta	15th August 1918	31st December 1918.

Questions and Answers.

Statement referred to in clause (g) of the answer by the Hon'ble Mr. KERR to question No. 13 (Unstarred) asked by the Hon'ble BABU AKHIL CHANDRA DATTA at the Council Meeting of the 7th April, 1919.

List of Officiating Deputy Superintendents who have held charge of Districts during the last three years (1916-1918) as a result of local arrangements.

	Name.	From—	To—
1.	Babu Braja Bihari Barman	... 7th February 1918	... 29th March 1918.
2.	" Adhar Chandra Basu	... 21st March 1916	... 5th April 1916.
		2nd January 1917	... 21st January 1917.
		4th October 1917	... 18th October 1917.
		21st October 1918	... 4th November 1918.
3.	" Sital Chandra Sen	... 21st October 1918	... 20th November 1917.
4.	" Sarat Sasi Datta	... 5th October 1917	... 18th October 1917.
		30th August 1918	... 8th October 1917.
		24th November 1918	... 23rd December 1918.
5.	" Binode Bihari Gupta	... 3rd September 1917	... 2nd October 1917.
6.	Maulvi Rasidun Nabi	... 2nd September 1917	... 8th September 1917.
		15th September 1918	... 8th October 1918.
7.	Babu Kshetra Mohan Gaaguli	... 28th August 1916	... 3rd September 1916.
8.	" Upendra Kumar Basu	... 7th September 1917	... 18th October 1917.
9.	" Ambika Charan Chakrabatti.	27th October 1916	... 31st October 1916.
		10th July 1917	... 27th July 1917.
		2nd October 1917	... 18th October 1917.
		1st November 1917	... 15th November 1917.
		20th June 1918	... 19th October 1918.
10.	" Hari Kumar Gupta	... 22nd December 1915	... 6th January 1916.
		2nd January 1917	... 20th January 1917.
11.	" Aswini Kumar Guha	... 18th August 1918	... 31st December 1918.
12.	" Kshetra Nath Basu	... 3rd January 1916	... 17th January 1916.
13.	" Umesh Chandra Chanda	26th October 1916	... 29th October 1916.

Statement referred to in clause (g) of the answer by the Hon'ble Mr. KERR to question No. 13 (Unstarred) asked by the Hon'ble BABU AKHIL CHANDRA DATTA at the Council Meeting of the 7th April, 1919.

List of Officiating Deputy Superintendents who have held charge of training-schools during the last three years (1916-1918).

	Name.	From—	To—
1.	Mr. J. H. Harlow	... 16th December 1908	1st July 1917.
2.	Mr. F. J. R. Moss	... 23rd September 1914	25th November 1916.
3.	Mr. J. Cowie	... 26th November 1916	27th August 1917.
4.	Babu Umesh Chandra Chandra	28th August 1917	31st December 1917.
5.	Babu Bhabesh Charan Das	... 8th September 1917	31st December 1918.

Questions and Answers.

By the Hon'ble Babu Brojendra Kisher Ray Chaudhuri:—

14.

Will the Government be pleased to state—

- (a) the number of religious endowment committees which have been established under the provisions of Act XX of 1863, showing the present constitution of each, together with the date of their first institution;
- (b) what inquiries, if any, have been made during the last five years into the management of these committees, and with what result; and
- (c) what are the functions discharged, and the average funds annually administered, by each of these committees?

Religious
endowment
committees.

Answer by the Hon'ble Mr. McAlpin:—

“(a), (b) and (c) A statement containing the particulars wanted is laid on the table.”

Statement referred to in the answer by the Hon'ble MR. McALPIN to question No. 14. (Unstarred) asked by the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI at the Council Meeting of the 7th April, 1919, containing particulars about Religious Endowment Committees.

Number of Religious Endowment Committees established under the provisions of Act XX of 1863.	Date of first institution.	Present constitution of each Committee.	Inquiries, if any, made during the last five years into the management of the Committee and with what result.	Functions discharged by the Committee.	Average funds annually administered by the Committee.	REMARKS
1	2	3	4	5	6	7
Committee for the management of the Muradpur mosque, Burdwan.	14th. March 1864.	Nil	Nil	Nil	Rs. Nil	The Committee appointed in the year 1864 lapsed in the year 1889 on account of the failure of the people interested to comply with the provisions of Section 10 of Act XX of 1863.
Committee for the management of the Hooghly Imambara.	July 1875	1. Khan Bahadur Mirza Shujaiyat Ali, President. 2. Prince Golam Muhammed of Tollyganj. 3. Syed Muhammed Kasim. 4. Prince Mirza Muhammad Makim of Garden Reach. 5. Syed Eusof Ali.	No enquiry made.	The Committee supervises and controls the Imambara at Hooghly.	36,336	...
Hindu Endowment Committee, Murshidabad.	9th June 1864.	Nil	Nil	Nil	Nil	The five members appointed by Government to form the Committee are dead.
Muhammedan Endowment Committee for superintending the celebration of the Muharrum festival at the Hussaini Dalan at Dacca.	10th March 1864.	Nil	Nil	Nil	Nil	The Committee lapsed on the death of the members appointed by Government.

Questions and Answers.

Number of Religious Endowment Committees established under the provisions of Act XX of 1873.	Date of first institution.	Present constitution of each Committee.	Enquiries, if any, made during the last five years into the management of the Committee, and with what result.	Functions discharged by the Committee.	Average funds annually administered by the Committee.	REMARKS.
1	2	3	4	5	6	7
Hindu Endowment Committee, Chittagong.	26th May 1878.	1. Rai Prasanna Kumar Rai Bahadur, Zamindar. 2. Rai Satish Chandra Sen Bahadur, Senior Government Pleader. 3. Rai Upendra Lal Rai Bahadur, Zamindar, Merchant, etc. 4. Babu Iswar Chandra Nandi, Retired Deputy Magistrate. 5. Babu Khirode Chandra Das, Pleader and Zamindar. 6. Babu Romesh Chandra Sen, Pleader. 7. Babu Romesh Chandra Chaudhuri Zamindar and Mukhtear. 8. Babu Hein Chandra Das, Zamindar. 9. Babu Blairab Chandra De, Mukhtear. 10. Babu Romesh Chandra Das, Retired Deputy Magistrate. 11. Babu Kali Soukar Chakravarti, Secretary. 12. 13.	No enquiry made.	Do not exercise any functions.	Rs. Nil	Vacancies caused by the death of Babu Gopi Mohan Ghose and Babu Sarat Chandra Das will be shortly filled up.
Muhammadan Endowment Committee, Chittagong.	Ditto ...	1. Khan Sahib M. Amanali. 2. Maulvi Emadali. 3. " Md. Kazimuli. 4. " Reazaddin Ahmed, B.L. 5. Maulvi Bazlar Rahman. 6. Maulvi Meramatali Chaudhuri. 7. S. N. M. Kama'addin Ahmed. 8. Maulvi Abdus Sattar.	Ditto ...	The functions of the Committee are limited to the occasional appointment of a Matwali.	Nil.	

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

15.

Desecration of an image of Saraswati.

(a) Are the Government aware that there is a wide and acute feeling of resentment amongst Hindus owing to the action of the Principal of St. Paul's College, Calcutta, in desecrating an image of the Hindu goddess—the *Saraswati*? If so, are the Government considering the desirability of instituting an inquiry into the circumstances of the case?

(b) Are the Government considering the desirability of taking steps to insure that the religious scruples and beliefs of the students are not interfered with or disregarded in the educational institutions under missionary organisations?

Questions and Answers.

(c) Will the Government be pleased to furnish a list of the educational institutions and hostels attached thereto, which are under the control and management of religious bodies and missionary organisations receiving Government grants, noting in each case the amount of such grant?

Answer by the Hon'ble Mr. O'Malley:—

"(a) The reply to the first part of the question is in the affirmative. Government do not consider it necessary to make a further enquiry into the matter as it has already formed the subject of judicial proceedings.

(b) The incident at St. Paul's College was exceptional and Government do not consider it necessary to take any steps of the nature suggested in anticipation of attempts to disregard religious feelings and beliefs.

(c) A statement is laid on the table."

Statement referred to in the answer by the Hon'ble Mr. O'MALLEY to question No. 15 (Unstarred) asked by the Hon'ble BABU BROJENDRA KISHOR RAY CHAUDHURI at the Council Meeting of the 7th April, 1919.

List of aided colleges and hostels attached thereto under the control and management of religious bodies and missionary organisations.

Serial No.	NAME OF INSTITUTION.	Amount of grant per month.			REMARKS.
		Rs.	A.	P.	
1	Scottish Churches College, Calcutta	2,000	0	0	
	(1) Dundas Hostel ...	200	0	0	
	(2) Wann " ...				
	(3) Tomory " ...				
	(4) Ogilvie " ...				
	(5) Duff " ...				
2	Wesleyan College, Bankura	700	0	0	
	Hostel ...	82	8	0	For supervision.
3	Serampore College ...	1,000	0	0	
	(1) Main Hostel ...	40	0	0	For supervision.
	(2) Panthi " ...	40	0	0	Ditto.
		+80	0	0	For rent.
	(3) Circular Road Hostel ...	30	0	0	For supervision.
4	St. Paul's Cathedral College, Calcutta.	916	10	8	
	(1) Janiali Hostel ...	300	0	0	
	(2) St. Davis " ...				
	(3) Annexé " ...				
5	St. Xavier's College, Calcutta	1,050	0	0	
	Hostel ...	15	0	0	For supervision.
6	Diocesan College, Calcutta	600	0	0	
	(1) Hostel ...	60	0	0	For supervision.
	(2) Additional hostel ...	135	0	0	For rent.
7	Diocesan Training College, Calcutta	600	0	0	

Questions and Answers.

List of schools and hostels attached thereto under the control and management of missionary organisations receiving Government grants.

BOYS' SCHOOLS.

Serial No.	NAME OF SCHOOL.	Amount of grant per month.	REMARKS.
	<i>Calcutta.</i>	Rs. A. P.	
1	Garden Reach C. M. S. H. E. School	240 0 0	
2	Collin's Institution ...	75 0 0	
3	Bishop's Collegiate School ...	300 0 0	
4	Ditto Hostel ...	45 0 0	
5	St. Paul's H. E. School ...	100 0 0	
6	Ditto Hostel ...	60 0 0	
7	Allan Vernacular School ...	15 0 0	
8	Y. M. C. A. ...	50 0 0	
9	Ditto Hostel ...	25 0 0	
10	St. Anthony's School ...	40 0 0	
	<i>24-Parganas.</i>		
11	Budge-Budge Abbey M. E. School	40 0 0	
12	Baduria L. M. S. M. E. School ...	49 0 0	
13	Kaorapukur L. M. S. M. E. School	60 0 0	
14	Bistupore M. E. School Hostel ...	10 0 0	
15	Raghabpore St. Paul's M. V. School	50 0 0	
16	Ditto Hostel	10 0 0	
17	Jhanjra M. V. School ...	15 0 0	
18	Baranagore Orphan Boys' Industrial School.	60 0 0	
19	Kaorapukur L. M. S. Industrial School.	40 0 0	
20	Kaorapukur Night School ...	18 0 0	
	<i>Murshidabad.</i>		
21	Khagra L. M. S. H. E. School ...	175 0 0	
22	Ditto Hostel	26 4 0	
	<i>Nadia.</i>		
23	Krishnagar C. M. S. H. E. School	180 0 0	
24	Hatchapra C. M. S. M. E. School	100 0 0	
25	Krishnagar C. M. S. Training School.	200 0 0	
26	Ditto ditto hostel ...	26 0 0	
27	Hatchapra C. M. S. Industrial School.	100 0 0	
	<i>Khulna.</i>		
28	Khulna Mission M. E. School ...	50 0 0	
29	Ballavpur O. M. S. Primary School Hostel.	39 0 0	
	<i>Burdwan.</i>		
30	Raniganj Mission Industrial School	40 0 0	
31	Kalna Mission M. E. School ...	40 0 0	

Questions and Answers.

Serial No.	NAME OF SCHOOL.	Amount of grant per month.	REMARKS.
	<i>Bankura.</i>	Rs. A. P.	
32	Kuchkuchia Mission H. E. School	106 0 0	
33	Ditto ditto Hostel	26 0 0	
34	Bishenpur Mission M. E. School ...	30 0 0	
35	Sarenga Sonthal Training School	193 0 0	
36	Bankura M. V. and Technical School.	50 0 0	
37	Bankura Mission Industrial School	30 0 0	
	<i>Midnapore.</i>		
38	Midnapore Sepoybazar Mission M. E. School.	50 0 0	
39	Bhimpur Sonthal M. V. School ...	300 0 0	
	<i>Hooghly.</i>		
40	Chinsura U. F. C. Mission H. E. School.	118 0 0	
41	Serampore Mission Collegiate School.	300 0 0	
42	Bandel M. E. School ...	35 0 0	
43	Sonatigri Mission M. E. School ...	15 0 0	
44	Mohanad Mission M. E. School ...	40 0 0	
	<i>Dacca.</i>		
45	Holy Cross Bandhura Gobindpur H. E. School.	180 0 0	
	<i>Faridpur.</i>		
46	Mathura Nath Institution, Gopalganj.	110 0 0	
47	Ditto ditto Hostels	37 0 0	
48	Orakandi H. E. School ...	175 0 0	
49	Ditto ditto Hostels ...	26 0 0	
50	Faridpur Industrial School ...	150 0 0	
	<i>Bakarganj.</i>		
51	Baptist Mission M. E. School, Barisal.	100 0 0	
	<i>Darjeeling.</i>		
52	Kalimpong Industrial School ...	500 0 0	
53	Kalimpong Mission Training School.	70 0 0	
54	Avangrove L. P. School ...	12 0 0	
55	St. Alphonsus U. P. School ...	45 0 0	
56	Kalimpong M. E. School ...	125 0 0	
57	Turnbull M. E. School ...	100 0 0	
58	Scandinavian Alliance M. E. School.	60 0 0	
	<i>Rangpur.</i>		
59	Saidpur Mission School ...	15 0 0	

Questions and Answers.

Serial No.	NAME OF SCHOOL.	Amount of grant per month.	REMARKS.
<i>Tippera.</i>		Rs. A. P.	
60	Kandirpar Mission L. P., Oomilla...	9 0 0	
61	Muradpur ditto ditto ...	5 0 0	
<i>Chittagong Hill Tracts.</i>			
62	Chandraghona Guru-Training ...	30 0 0	
63	Mission Boys' U. P ...	16 0 0	
64	Barudgola ...	5 0 0	
65	Cheugir Mukh ...	22 0 0	

GIRLS' SCHOOLS.

<i>Calcutta.</i>		Rs. A. P.	
1	Central Girls' School ...	40 0 0	Church of England Zenana Mission.
2	Amherst Street ...	26 0 0	Ditto.
3	Darjeepara ...	30 0 0	Ditto.
4	Chorebagan ...	20 0 0	Ditto.
5	Kansaripara ...	26 0 0	Ditto.
6	Sealdah ...	20 0 0	Ditto.
7	Patwarbagan ...	10 0 0	Ditto.
8	Mulvany Home ...	45 0 0	Ditto.
9	Christ Church High School ...	450 0 0	Ditto.
10	Colootola ...	25 0 0	Ditto.
11	Diocesan Collegiate School ...	600 0 0	Diocesan Mission.
12	Ballyganj Boarding ...	170 0 0	Ditto.
13	Milman Memorial ...	57 8 0	Ditto.
14	Ballyganj Primary ...	18 0 0	Ditto.
15	Duff School ...	250 0 0	United Free Church Mission. A grant of Rs. 37-8 per mensem is given for the maintenance of a conveyance for Calcutta schools.
16	Kambagan ...	30 0 0	
17	Shambazar ...	48 0 0	
18	Hatibagan ...	27 0 0	
19	U. F. C. Training ...	184 0 0	
20	U. F. C. High ...	450 0 0	
21	Kanai Lal Dhur's Lane ...	25 0 0	Baptist Mission.
22	Malanga Lane ...	21 0 0	Ditto.
23	Beniapukur Lane ...	25 0 0	Ditto.
24	Beliaghata ...	21 0 0	Ditto.
25	Serpentine Lane ...	21 0 0	Ditto.
26	Akkur Dutt's Lane ...	25 0 0	Ditto.
27	Hidaram Banerjee's Lane ...	21 0 0	Ditto.
28	Chatterjee Lane ...	21 0 0	Ditto.
29	Baptist Mission High ...	350 0 0	Ditto.
30	B. Z. M. Elementary Training Class ...	25 0 0	Ditto.
31	Taltola ...	11 11 0	Wesleyan Mission.
32	Karaya ...	15 0 0	Ditto.
33	Baghbazar ...	16 11 0	Ditto.
34	Kaurapara ...	20 0 0	Ditto.
35	Baghbazar ...	30 0 0	Church of Scotland Mission.
36	Sovabazar ...	35 0 0	Ditto.
37	Nimtalla ...	20 0 0	Ditto.
38	Badurbagan ...	40 0 0	Ditto.
39	Kidderpur ...	25 0 0	Ditto.
40	Kansaripara ...	36 8 0	London Mission.
41	Kalighat ...	24 8 0	Ditto.

Questions and Answers.

Serial No.	NAME OF SCHOOL.	Amount of grant per month.	REMARKS.
<i>Calcutta—concl'd.</i>		Rs. A. P.	
42	Creek Row	27 0 0	London Mission.
43	Ballyganj	17 0 0	Ditto.
44	United Missionary High School ...	700 0 0	Ditto.
45	Ditto Training College	600 0 0	Ditto.
46	Lee Memorial Boarding ...	230 0 0	M. E. Mission.
47	Ditto Training ...	290 8 0	Ditto.
48	Hatibagan	20 0 0	Ditto.
49	Janbazar	13 0 0	Ditto.
50	Miss Hart's Girls' School ...	31 0 0	S. P. G. Mission.
51	St. Barnabas'	12 0 0	Dent Mission.
52	Chetla Meyerpur	12 0 0	Ditto.
53	St. Teresa's	90 0 0	Roman Catholic Mission.
54	St. Mary's Bengali	225 0 0	Ditto.
55	St. Mary's Training Class ...	80 0 0	Ditto.
<i>24-Parganas.</i>			
56	Converts' Home, Baranagore ...	53 0 0	Church of England Zenana Mission.
57	Bhatpara	24 0 0	Ditto.
58	Baranagore Garden School ...	41 0 0	Ditto.
59	Naihati	35 0 0	Ditto.
60	Kutighatta	20 0 0	Ditto.
61	Matiabruz	17 0 0	Ditto.
62	Bowbazar (Barrackpore) ...	16 0 0	Ditto.
63	Shamnagar	12 0 0	Ditto.
64	Belgharia	9 0 0	Ditto.
65	Ariadah	15 0 0	Ditto.
66	Cossipur	12 0 0	Ditto.
67	Kamarhatti	14 0 0	Ditto.
68	Khardah	15 0 0	Ditto.
69	Sukehar	18 0 0	Ditto.
70	Bon Hooghly	13 0 0	Ditto.
71	Gautipara	11 0 0	Ditto.
72	Rajarhat, Bishnupur	8 0 0	Ditto.
73	Madhamgram	8 0 0	Ditto.
74	Agarpara Orphanage	25 0 0	Ditto.
75	Kristopur	5 0 0	Ditto.
76	Widows' Industrial School, Baranagore.	100 0 0	Ditto.
77	Dhanghata	20 0 0	Diocesan Mission.
78	Madhabpur	20 0 0	Ditto.
79	Jalasai	13 0 0	Ditto.
80	Debipur	15 0 0	Ditto.
81	Jhanjara	15 8 0	Ditto.
82	Dhobagathi	10 0 0	Ditto.
83	Karimpur	12 0 0	Ditto.
84	Langalbaria	9 0 0	Ditto.
85	Magrahat	11 0 0	Ditto.
86	Panakurda	14 0 0	Ditto.
87	Udaipur	10 0 0	Ditto.
88	Amgachi	11 0 0	Ditto.
89	Kalmikhali	14 0 0	Ditto.
90	Ramnagar and Kalinagar ...	14 8 0	Ditto.
91	Banspolla	10 0 0	Ditto.
92	Raghabpur	7 0 0	Ditto.
93	Andharmanik	9 0 0	Ditto.

Questions and Answers.

Serial No.	NAME OF SCHOOL.	Amount of grant per month.	REMARKS.
		Rs. A. P.	
	<i>24 Parganas—concl'd.</i>		
94	Hogulkuria ...	5 0 0	Diocesan Mission.
95	Lakshmikantapur ...	9 0 0	Ditto.
96	Boidyapur ...	9 8 0	Ditto.
97	Mallikpur ...	10 0 0	Ditto.
98	Salkia ...	10 0 0	Ditto.
99	Khari Mohamal ...	7 0 0	Ditto.
100	Koikhali ...	13 0 0	Ditto.
101	Rasal Mohammed Chak ...	13 0 0	Ditto.
102	Utterbagnor ...	10 8 0	Ditto.
103	Dakshin Bagnor ...	11 0 0	Ditto.
104	Kamardanga ...	16 4 0	Wesleyan Mission.
105	Sadar Bazar (Barrackpore) ...	20 13 0	Ditto.
106	Ishapur ...	10 0 0	Ditto.
107	Chandanpukur ...	10 0 0	Ditto.
108	South Nawabganj ...	7 1 0	Ditto.
109	Nawabganj ...	20 13 0	Ditto.
110	Wesleyan Mission Boarding (Barrackpore). ...	300 0 0	Ditto.
111	Cossipur ...	143 0 0	Church of Scotland Mission.
112	Matiabruz (Mudiali) ...	21 0 0	Ditto.
113	Kaurapukur ...	91 0 0	London Mission.
114	Narikeldanga ...	20 0 0	M. E. Mission.
115	Rajpur ...	12 0 0	Ditto.
116	Beliaghata ...	12 0 0	Ditto.
117	Sonarpur ...	10 0 0	Ditto.
118	Champahati ...	10 0 0	Ditto.
119	Kamardanga ...	13 0 0	Ditto.
120	Bagmari ...	20 0 0	Ditto.
121	Baikuntapur ...	14 0 0	Ditto.
	<i>Mirshidabad.</i>		
122	Berhampore... ...	35 0 0	London Mission.
123	Khagra ...	25 0 0	Ditto.
124	Gorabazar ...	25 0 0	Ditto.
125	Berhampore Sewing Class ...	60 0 0	Ditto.
	<i>Nadia.</i>		
126	C. E. Z. Normal School, Krishnagar ...	*285 0 0	* Including a capita- tion grant of Rs. 110 per month for the hostel attached to it. Church of England Zenana Mission.
127	Queen's School, Krishnagar ...	75 0 0	Ditto.
128	Day School, Krishnagar ...	30 0 0	
129	Santirajpur ...	30 0 0	
130	Chandsarak and Chakrapara ...	25 0 0	
131	Kathuriapara ...	15 0 0	Church of England Zenana Mission.
132	Navadwipa ...	15 0 0	Ditto.
133	Panighata ...	10 0 0	Ditto.

Questions and Answers.

Serial No.	NAME OF SCHOOL.	Amount of grant per month.	REMARKS.
<i>Jessore.</i>		Rs. A. P.	
134	B. Z. M. Industrial School ...	50 0 0	Baptist Mission.
135	B. Z. M. Jhenidah ...	14 0 0	Ditto.
<i>Burdwan.</i>			
136	Naskardighi ...	30 0 0	Church of England Zenana Mission.
137	Barabazar ...	20 0 0	Ditto.
138	Kalna ...	27 0 0	United Free Church Mission.
139	Raniganj ...	20 0 0	Wesleyan Mission.
140	Jamuria ...	10 0 0	Ditto.
141	Ballavpur ...	10 0 0	Ditto.
142	Roseville, Raniganj ...	40 0 0	Ditto.
143	New Egra ...	15 0 0	Ditto.
144	Asansol M. V. Girls' School ...	75 0 0	M. E. Mission.
145	Asansol L. P. ...	25 0 0	Ditto.
<i>Bankura.</i>			
146	Bankura Industrial School ...	70 0 0	Wesleyan Mission.
147	Bankura Boarding ...	50 0 0	Ditto.
148	Pathpur ...	10 0 0	Ditto.
149	Rampur ...	17 0 0	Ditto.
150	Lalbazar ...	15 0 0	Ditto.
151	Bishnupur Missionbari ...	15 0 0	Ditto.
152	Sarenga Sonthal ...	33 0 0	*Capitation grant of Rs. 30 per mensem for the hostel attached to it.
		+30 0 0	
<i>Midnapore.</i>			
153	Geonkhali ...	13 0 0	Diocesan Mission.
154	Tamluk Mission ...	20 0 0	M. E. Mission.
155	Koikota ...	30 0 0	American Baptist Mission.
156	Koikota Lace School ...	10 0 0	Ditto.
157	Barabazar ...	10 0 0	Ditto.
158	Bhimpur Sonthal Mission Boarding.	60 0 0	Ditto.
159	Bhimpur Sonthal Mission Lace School.	30 0 0	Ditto.
<i>Hooghly.</i>			
160	Bitasia ...	7 8 0	United Free Church Mission.
161	Baloon ...	7 0 0	Ditto.
162	Mohanad Korapara ...	7 0 0	Ditto.
163	Ramnathpur ...	7 8 0	Ditto.
164	Basberia ...	14 0 0	Ditto.
165	Khaya ...	7 0 0	Ditto.
166	Sahaganj ...	25 0 0	Ditto.
167	Kamarpara ...	60 0 0	Ditto.
168	Sonatigri ...	8 0 0	Ditto.
169	Pawnou ...	7 8 0	Ditto.
170	Sarengpur ...	7 8 0	Ditto.

Questions and Answers.

Serial No.	NAME OF SCHOOL.	Amount of grant per month.	REMARKS.
	<i>Hooghly—concl'd.</i>	Rs. A. P.	
171	Serampore High Street ...	15 0 0	Baptist Mission.
172	Serampore Day Street ...	15 0 0	Ditto.
173	Chatra ...	15 0 0	Ditto.
174	Mohesh Bosepara ...	15 0 0	Ditto.
175	Hooghly Bally ...	30 0 0	M. E. Mission.
176	Hooghly Suripara ...	16 0 0	Ditto.
177	Guttabazar ...	37 0 0	Ditto.
178	Chinsurah ...	31 0 0	Ditto.
	<i>Howrah.</i>		
179	Dhobapara ...	40 0 0	Church of England Zenana Mission.
180	Ramkrishtopur ...	33 0 0	Ditto.
181	Kasundia ...	30 0 0	Ditto.
182	Salkia ...	24 0 0	Ditto.
183	Andul ...	16 0 0	Ditto.
184	Bantra ...	9 8 0	Ditto.
185	Baidyabati ...	14 0 0	Ditto.
186	Murgihatta ...	45 0 0	Baptist Mission.
187	Sibpur ...	21 0 0	Ditto.
188	Bagnan Mission ...	30 0 0	M. E. Mission.
	<i>Dacca.</i>		
189	Banglabazar Girls' School, Dacca ...	30 0 0	
190	Chawkbazar " " ...	20 0 0	
191	Faridabad " " ...	20 0 0	
192	Zenana Classes under B. Z. M. ...	76 0 0	
193	St. Theclas Girls' School, Golla ...	50 0 0	
194	Baptist Mission Girls' School at Narayanganj.	27 0 0	
195	Hoshnabad Mission Girls' School...	19 0 0	
	<i>Mymensingh.</i>		
196	Victoria Mission Girls' School ...	30 0 0	
197	Victoria Mission Boarding ...	50 0 0	
198	Shehora Mission Girls' School ...	20 0 0	
199	Binsiri ditto ...	10 0 0	
	<i>Faridpur.</i>		
200	Orakandi Widows' Home ...	57 0 0	
201	Gopalganj Mission Girls' School ...	25 0 0	
	<i>Bakarganj.</i>		
202	Baptist Mission M. E. School, Barisal.	75 0 0	
203	Ditto Boarding	70 0 0	
204	Baptist Mission Zenana classes in bil tracts, Bakarganj and Faridpur.	75 0 0	
205	Amalgamated B. Z. M. Girls' School at Mallick Road, Barisal.	30 0 0	
206	St. Joseph's Girls' School at Padrisibpur.	21 0 0	

Questions and Answers.

Serial No.	NAME OF SCHOOL.	Amount of grant per month.			REMARKS.
		Rs.	A.	P.	
	<i>Chittagong Hill Tracts.</i>				
207	Chandraghona Mission Boarding School.	40	0	0	
	<i>Noakhali.</i>				
208	R. C. Church Mission School, Noakhali.	35	0	0	
	<i>Darjeeling.</i>				
209	Bazar Hindu Girls' School ...	20	0	0	
210	Nepali Girls' School ...	60	0	0	
211	Buddhist Girls' School, Bhutia Bazar.	35	0	0	
212	Kurseong Mission Girls' School ...	50	0	0	
213.	Phansedewa Girls' School ...	15	0	0	
214	Kalimpong Girls' School ...	100	0	0	
215	Kalimpong Training Classes ...	100	0	0	
	<i>Rajshahi.</i>				
216	Boalia Mission Girls' School ...	150	0	0	
217	Bolundpur Mission Girls' School	15	0	0	

List of schools and hostels attached thereto under the control and management of the religious bodies other than missionaries receiving Government grants.

BOYS' SCHOOLS.

			Rs. A. P.		
	<i>Calcutta.</i>				
1	Brahmo Boys' H. E. School ...		125	0	0
2	Ditto hostel		15	0	0
3	Hindu Orphanage ...		30	0	0
4	Anjuman Rafiqul Islam ...		30	0	0
5	Muhammudan Orphanage ...		125	0	0
	<i>Chittagong.</i>				
6	Jagatpur Asram Tol ...		50	0	0

Questions and Answers.

GIRLS' SCHOOLS.

Serial No	NAME OF SCHOOL.	Amount of grant per month.	REMARKS.
	<i>Calcutta.</i>	Rs. A. P.	
1	Brahmo Girls' High School ...	650 0 0	
2	Brahmo Samaj Hostel ...	275 0 0	
3	Victoria Institution ...	630 0 0	
	<i>Nadia.</i>		
4	Ramnagar Brahmo Santipur Girls' School.	50 0 0	
	<i>Midnapore.</i>		
5	Contai Brahmo Girls' School ...	120 0 0	
	<i>Howrah.</i>		
6	Baniban Girls' School ...	144 0 0	

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

16.

(a) What arrangements are there for the teaching of needlework and domestic economy in girls' high and middle schools?

(b) Are the Government considering the desirability of having specially trained teachers in these subjects, particularly for the Government high schools for girls?

Answer by the Hon'ble Mr. O'Malley:—

"(a) Needlework is taught in all high and middle schools for girls, and the teachers are well qualified. The position with regard to domestic economy is not so satisfactory. In Eastern Bengal, apart from the Eden High School where lectures are given on hygiene, first aid, home nursing and infant welfare, little is done. In West Bengal most high schools and all middle schools under mission management teach cooking and various household duties.

(b) For needlework the present arrangements are adequate. The need of efficient teaching in domestic economy is fully recognised, but the comparatively slow progress is due to the lack of properly qualified teachers. Arrangements for special training are under consideration."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

17.

What will be the nature and scope of the *Kala-azar* survey for which a non-recurring provision of rupees eleven thousand has been made in the budget for 1919-20?

Answer by the Hon'ble Mr. O'Malley:—

"A Deputy Sanitary Commissioner possessed of special qualifications in tropical medicine, together with a small staff and travelling laboratory, will be employed on the inquiry. Circulars are being issued to all dispensaries in Eastern Bengal to ensure that special particulars will be recorded of all

Teaching of needlework and domestic economy in girls' high and middle schools.

Nature and scope of the *Kala-azar* survey.

Questions and Answers.

cases showing the typical symptoms of *kala-azar*, i.e., enlarged and hardened spleen and great emaciation with irregularly recurring chronic attacks of fever resistant to ordinary treatment. There are 217 dispensaries in Eastern Bengal (Dacca and Chittagong Divisions) and the staff will first visit those dispensaries from which cases of *kala-azar* have already been reported, and after examining such cases as attend, will pay visits to the villages from which the patients come with a view to discovering whether or not other cases exist. After having visited and mapped out the prevalence of the disease in the areas known to be affected, other areas from which reports of suspected cases have been received will be visited in turn and examined in the same way. An opportunity will be taken during the inquiry of demonstrating to the local dispensary medical officers the most recent methods of diagnosis and treatment, and, where necessary, arrangements will be made as far as possible to see that measures of prevention are adopted against the spread of the disease. It is estimated that the inquiry will occupy at least a year."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

18.

With regard to the provision made in the budget for 1919-20 for the appointment of a special officer to scrutinize college and school buildings from a hygienic point of view, will the Government be pleased to state their scheme in this matter and the circumstances and considerations which have prompted them to make the appointment?

Special officer to consider hygienic conditions of school and college buildings.

Answer by the Hon'ble Mr. O'Malley:—

"The appointment is to be made in accordance with the recommendations of an expert committee appointed in 1913 to inquire into questions connected with school and college hygiene. This committee commented severely upon the insanitary condition of educational buildings and hostels, and pointed out the need for expert supervision. It is considered desirable not only that the condition of existing buildings should receive careful scrutiny, and that any serious defects that may be brought to light should be removed or remedied, but also that closer attention should be paid than the present staff of the Sanitary Commissioner can afford to the planning of all school and hostel buildings in future with strict regard to sanitary requirements. It is accordingly proposed that a Deputy Sanitary Commissioner should be appointed as an experimental measure for 5 years to inspect existing school buildings and hostels from the sanitary and hygienic point of view, to draw up general directions for the lighting, ventilation and sanitation of new school buildings and to scrutinize all plans for new buildings. He will also be in general charge of the medical inspection of school children, make special studies of the diseases to which children are particularly liable and suggest suitable measures for their prevention."

By the Hon'ble Babu Brojendra Kishor Ray Chaudhuri:—

19.

What is the programme of Government in regard to the experiments in connection with hand-loom and other industries, for which a non-recurring grant of rupees three thousand has been provided in the budget for 1919-20?

Hand-loom and other industries.

Answer by the Hon'ble Mr. Donald:—

"The provision has been made for experiments on a small scale in order to ascertain whether textiles such as tapes and *doosuties* for army tents can actually be woven on hand-looms."

*Questions and Answers.***By the Hon'ble Babu Brajendra Kishor Ray Chaudhuri:—****20.**Scheme of cattle
census.

With regard to the provision of Rs. 5,500 in the budget for 1919-20, for a temporary establishment in connection with census of cattle, will the Government be pleased to explain the nature of the scheme of work?

Answer by the Hon'ble Mr. McAlpin:—

"It has been decided, under instructions from the Government of India, that a census of livestock, ploughs and carts should be taken in the Presidency during the year 1919-20 and that it should be repeated at quinquennial intervals thereafter. Accordingly a census will be taken in this Presidency in January, 1920. The census in villages will be carried out by the agency of panchayats under the general supervision of the sub-divisional officer or the deputy collector who may be deputed by the district officer for census duty in each sub-division. In municipal areas the census will be conducted by the municipalities, while on tea gardens the managers will be requested to undertake the enumeration. The abstract totals will be computed in the office of the Director of Agriculture and the temporary establishment, provided for in the budget and referred to in the question, is required for that work. Copies of the proposed schedules and instructions are laid on the Library table.

For information regarding the last cattle census in 1912, the Hon'ble Member is referred to "A Survey and Census of the Cattle of Bengal" by Mr. J. R. Blackwood, I.C.S., published by Government in the year 1915."

By the Hon'ble Maulvi A. K. Fazl-ul-Haq:—**21.**Particulars as
to certain
printing
presses, news-
papers, etc.

Will the Government be pleased to lay on the table a statement showing—

- (a) the number of applications made in Bengal, since the constitution of this Presidency in its present form, under the Indian Press Act, 1910, for permission—
 - (i) to open new printing presses,
 - (ii) to start newspapers, and
 - (iii) to make declarations of being printers or publishers;
- (b) the number of cases in which security has been demanded, stating the nature of each such case;
- (c) the number of cases in which the applicants failed to furnish the security demanded;
- (d) the names of newspapers and periodicals that existed in Calcutta before the passing of the Indian Press Act, 1910, and which have now ceased to exist; and
- (e) the names of newspapers and periodicals whose securities have been forfeited or which have been otherwise penally dealt with under the said Press Act?

Answer by the Hon'ble Mr. Kerr:—

"The information is given in the statements which are laid on the table."

Questions and Answers.

Statements referred to in the answer by the Hon'ble MR. KERR to question No. 21 (Unstarred) asked by the Hon'ble MAULVI A. K. FAZL-UL-HAQ at the Council meeting of the 7th April, 1919.

(a) Statement showing the number of declarations made by keepers of presses and publishers of newspapers and periodicals which have been dealt with in Bengal under the provisions of the Indian Press Act, 1910 :—

Declarations by keepers of new presses dealt with under section 3(1).	Declarations by keepers of pre-existing presses dealt with under section 3(1).	Declarations by publishers of new newspapers and periodicals dealt with under section 8(1).	Declarations by publishers of pre-existing newspapers and periodicals dealt with under section 8(1).
910	254	223	133

(b) Statement showing the number of cases in which security has been demanded in Bengal from presses, newspapers or periodicals under the Indian Press Act, 1910, and the section under which security was demanded :—

PRESSES.		NEWSPAPERS AND PERIODICALS	
Security demanded under section 3(1)	Security demanded under section 3(2).	Security demanded under section 8(1).	Security demanded under section 8(2).
101	6	53	Nil.

(c) Statement showing the number of cases in Bengal in which applicants failed to deposit the security demanded in respect of presses, newspapers or periodicals :—

Presses.
22

Newspapers and periodicals.
25

(d) Statement showing the names of newspapers and periodicals that existed in Calcutta before the passing of the Indian Press Act, 1910, and which have now ceased to exist :—

Serial No.	Name of publication.	Serial No.	Name of publication.
1.	A Chikni Ripang.	23.	Co-operator.
2.	Aitihāsik Chitra.	24.	Dainik Hitabadi.
3.	Alankik Rahasya.	25.	Darul Hukumat.
4.	Alok.	26.	Dar-ur-Sultanah.
5.	Anath Pratipalan.	27.	Dawn and Dawn Society's Magazine.
6.	Anusilan.	28.	Devalya.
7.	Armenian.	29.	Devangar.
8.	Aryabhumī.	30.	Dharina.
9.	Arya Bibhuti.	31.	Dharina O Karma.
10.	Asian.	32.	Dharmatattva.
11.	Avasar.	33.	Dipti.
12.	Balya Sukha.	34.	Grihalakshmi.
13.	Banga Bandhu.	35.	Hindusthan.
14.	Banga Bhumi.	36.	Hitavarta.
15.	Basudev.	37.	Homeopathic Chikitsa Patra.
16.	Bharat Chitra.	38.	Homeopathic Prachar.
17.	Bharat Mitra.	39.	Hutom.
18.	Bharat Mohila.	40.	Indian Appeal.
19.	Bhisak Darpan.	41.	Indian Empire.
20.	Calcutta Times.	42.	Indian Field.
21.	Chikitsa.	43.	Indian Importer.
22.	Chikitsa Sanmilani.		

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Serial No.	Name of publication.	Serial No.	Name of publication.
44.	Indian Nation.	70.	Oriental Mystic Magazine.
45.	Indian Public Health and Municipal Journal.	71.	Palm Leaves from Loreto in India.
46.	Indian Sunday School Journal.	72.	Prakriti.
47.	Indian Lancet.	73.	Prabha.
48.	Indian Medical Record.	74.	Prabhat.
49.	Indian Witness.	75.	Ravwir-us-Sharq.
50.	Indian World.	76.	Registration Journal.
51.	Industrial India.	77.	Reis and Rayyet.
52.	Inquirer.	78.	Sachchasi Surhid.
53.	Islam Pracharak.	79.	Sukti.
54.	Isvarattva Samalochona Patrika.	80.	Sambad Parna Chandrodaya
55.	Jahnavi.	81.	Sammilani.
56.	Journal of the Moslem Institute.	82.	Sangit Prakasika.
57.	Journal of Tropical Veterinary Science.	83.	Saral Homeopathy.
58.	Kamala.	84.	Sarathi.
59.	Karmoyogin.	85.	Satya Sanatan Dharma.
60.	Kshristya Bhandab.	86.	Silpa O Sahitya.
61.	Mahajan Bandhu.	87.	Soltan.
62.	Mahila.	88.	Srigauranga Patrika.
63.	Mahasakti.	89.	Sri Vaishnava Sevika.
64.	Malancha.	90.	Sumati.
65.	Manasi.	91.	Suprabhat.
66.	Mercantile War Cry.	92.	Svades.
67.	Mihir O Sudhakar.	93.	Svadeshi.
68.	Navavidhan.	94.	Swades.
69.	Oriental.	95.	Udbodhan.
		96.	Unity and Minister.
		97.	Utkal Varta.
		98.	Vasudah.
		99.	Vidhan Prakas.
		100.	Vijnan Darpan.

(e) Statement showing the names of newspapers and periodicals whose securities have been forfeited or which have been otherwise penally dealt with under the Indian Press Act, 1910 :—

Name of publication.	Nature of action taken.
1. Habul Matin (Urdu edition)	(1) Issue of the 11th August, 1913, forfeited under section 12. (2) Security and issue of 12th September, 1913, forfeited under section 9(i).
2. Habul Matin (Bengali edition)	Issues of the 13th and 17th August, 1913, forfeited under section 12.
3. Al Hilal ...	(1) Issues of the 13th and 17th August, 1913, forfeited under section 12. (2) Security of the "Hilal Press" and issues of the 14th and 21st October, 1914, forfeited under section 4(i).

By the Hon'ble Maulvi A. K. Fazl-ul-Haq:—

22.

Alleged high-handedness of the sub-divisional officer regarding appointment of a secretary to the Madaripur Central Bank.

(a) With reference to the answer given to my unstarred question No. 25 at the meeting of the Council held on the 5th March, 1919, will the Government be pleased to state—

(i) whether it is a fact that Babu Ambika Charan Bose, Inspector of Police, Madaripur, sent constables to Maulvi Abdul Kader Khan and Munshi Kalu Bepari (or Kali Bepari) and called them to his house and coerced them to support the sub-divisional

Questions and Answers.

officer who was the Chairman of the Central Bank regarding the appointment of a paid secretary for the said Madaripur Central Bank;

- (ii) whether the views of the subdivisional officer—Chairman of the Bank, were opposed to the views of the Muhammadan members or to the majority of the members of the said Bank;
- (iii) whether the said Inspector, Babu Ambika Charan Bose, threatened the aforesaid Munshis, Abdul Kader Khan and Kalu Bepari, with trouble if they acted contrary to the wishes of the subdivisional officer;
- (iv) whether another Director, Munshi Mozuffer Ali Khan of Palong, was also threatened by the police-officers of Palong police-station in order to coerce him into agreeing with the subdivisional officer;
- (v) whether on the said Munshi Mozuffer Ali Khan's refusal to comply with the request of the police-officers, he was prosecuted in a petty case and after harassment, was discharged by Mr. Basu, the successor to the then subdivisional officer; and
- (vi) whether the house of Mozuffer Ali Khan was searched?

(b) If the answer to the above allegations or to any portion thereof be in the negative, will the Government be pleased to state in detail what are the actual facts relating to the relations between the subdivisional officer, Mr Basu and the Muhammadan directors of the Madaripur Central Bank?

Answer by the Hon'ble Mr. McAlpin:—

“(a) and (b) Government have no information regarding the alleged incidents. They do not consider that they are of sufficient interest and sufficiently recent to warrant any inquiry into them.”

By the Hon'ble Maulvi A. K. Fazl-ul-Haq:—

23.

(a) Is it a fact that on the occasion of a meeting of the Madaripur Central Bank on the 19th January, 1918, Maulvi Habibuddin Ahmed and other Muhammadan directors asked for permission of offer their *Maghrib* (evening) prayers and that the Chairman (who was also the subdivisional officer) told them to attend to their business first and then to their prayers?

Withholding of permission to the Muhammadan directors of the Madaripur Central Bank to say their prayers.

(b) If the answer to the above allegation be in the negative, will the Government be pleased to publish a full account of what actually occurred?

(c) Is it a fact that at the last general meeting held on the 7th June, 1918, the subdivisional officer, who was the Chairman of the Central Bank, called a director named Munshi Mozuffer Ali Khan “a fool” and thereafter he issued a general order directing that all meetings of the Central Bank should be held in his court room?

Answer by the Hon'ble Mr. McAlpin:—

“(a), (b) and (c) Government have no information regarding the alleged incidents. They do not consider that they are of sufficient interest and sufficiently recent to warrant any inquiry into them.”

Questions and Answers.

By the Hon'ble Maulvi A. K. Fazl-ul-Haq:—

24.

Allegations
against a
sub-inspector of
police of
Rangpur.

(a) Is it a fact —

(i) that in connection with the investigation of *hāt* looting cases in the Rangpur district serious allegations were made against a sub-inspector of police of having committed outrages on women at a place at or near Chihnari;

(ii) that these allegations were published in Bengali newspapers; and

(iii) that these newspapers have been sued by the police-officers for damages?

(b) If so, are the Government considering the desirability of making inquiries in regard to these allegations?

(c) Is it a fact—

(i) that Mr. S. R. Das, Counsel, has been engaged by Government to conduct the case on behalf of the police-officers; and

(ii) that the counsel will be remunerated by the Government?

(d) If so, what is the remuneration fixed?

(e) If the answer to these allegations be in the negative, will the Government be pleased to make a full statement as to the facts?

Answer by the Hon'ble Mr. Kerr:—

“(a) and (b) Allegations were published in the *Bangabasi* newspaper regarding the conduct of inspector Dwijendra Chandra Ghose in connection with the investigation of certain *hāt*-looting cases in the Rangpur district. An inquiry was held into the matter by Mr. J. N. Gupta, then District Magistrate of Rangpur, who reported that the charges were unfounded. The inspector was then permitted to sue the paper for damages.

(c) Yes.

(d) The remuneration has not yet been settled but will be in accordance with the scale fixed in the Standing Counsel's agreement.

(e) As the case is *sub judice*, Government are unable to make any further statement at present.”

By the Hon'ble Babu Bhabendra Chandra Ray:—

25.

Irrecoverable
temporary loans.

Will the Government be pleased to state why the large amount of irrecoverable temporary loans have been written off in the revised estimates for 1918-19 under the expenditure head “Miscellaneous”?

Answer by the Hon'ble Mr. McAlpin:—

“Almost the entire portion of this amount is due to the remission of part of a loan in accordance with an agreement which the local Government made with the Government of India in the year 1914.”

*Questions and Answers.***By the Hon'ble Babu Bhabendra Chandra Ray:—**

26.

Will the Government be pleased to indicate the detailed heads under which unclaimed deposits are credited to the revenue head "Miscellaneous"?

Details as to crediting of unclaimed deposits.

Answer by the Hon'ble Mr. Donald:—

"There are no detailed heads. All unclaimed deposits are credited under the major head 'XXV—Miscellaneous,' minor head 'Unclaimed deposits.'"

By the Hon'ble Babu Bhabendra Chandra Ray:—

27.

Are the Government in a position to give an estimate of the amount of probable total capital expenditure under the Public Works Department, for police purposes, by which the assignment for the reorganization of the subordinate police made by the Government of India will be ultimately exceeded and which, as stated in the current financial statement, will no longer be shown under the expenditure head "Police"?

Estimated excess of capital expenditure for police purposes over the assignment.

Answer by the Hon'ble Mr. Kerr:—

"The special grant given by the Government of India for non-recurring expenditure in connection with the reorganization of the police in the area which now forms the Presidency of Bengal amounted to Rs. 22,52,000. The whole of this sum has now been spent, and any further expenditure on police buildings will have to be met from provincial revenues and provided for in the Civil Works budget. No final estimate of the total cost of putting the police buildings of this Presidency on a satisfactory footing has been drawn up, but the estimated cost of the works administratively approved for execution when funds are available amounts to over Rs. 80 lakhs."

By the Hon'ble Babu Bhabendra Chandra Ray:—

28.

Have the Government any definite and comprehensive scheme for constructing police buildings, beyond what was provided for by the assignment for the reorganization of the subordinate police made by the Government of India?

Scheme for constructing police buildings

Answer by the Hon'ble Mr. Kerr:—

"The Hon'ble Member is referred to the answer to question No. 27."

By the Hon'ble Babu Bhabendra Chandra Ray:—

29.

(a) Have the Government drawn up any comprehensive scheme for the development of Kalimpong, for which a provision has been made in the budget for 1919-20?

Development of Kalimpong.

(b) If so, will the Government be pleased to state its main features, and the probable ultimate cost to be entailed thereby?

Answer by the Hon'ble Mr. McAlpin:—

"(a) Yes.

(b) It is proposed to give long-term leases of plots for residential purposes on Ringkingpong Ridge; the buildings will be constructed by the

Questions and Answers.

lessees. Public works, such as water-supply, drainage and main roads, will be constructed by Government. The ultimate cost is estimated at 15 lakhs. It is expected that the ground rents will furnish a good return on the capital outlay."

By the Hon'ble Babu Bhabendra Chandra Ray:—

30.

Grants to Bengal
Home Industries
Association.

What are the terms and conditions on which grants are made to the Bengal Home Industries Association, and to what use have they been put so far?

Answer by the Hon'ble Mr. Donald:—

"The annual grant—Rs. 18,000—to the Association is unconditional and is absorbed in the general funds of the Association. The Hon'ble Member is referred to the annual reports of the Association for information as to how it has used the funds at its disposal.

A special grant of Rs. 1,000 was made in the year 1917-18 to meet the cost of sending exhibits representative of Bengal home industries to the exhibition of Indian Arts and Industries at Madras in the cold weather of 1917-18."

By the Hon'ble Babu Bhabendra Chandra Ray:—

31.

Home girls'
scheme.

(a) Will the Government be pleased to explain the home girls' scheme, in connection with girls' schools, which is aided by Government?

(b) In what districts has the said scheme been working, and how far has it succeeded?

Answer by the Hon'ble Mr. O'Malley:—

"(a) In certain villages *purdahnashin* ladies (Hindus and Muhammadans) gather together a number of pupils and teach them in their own houses. The schools so conducted are known as home girls' schools. The idea is to enable ladies who are fit to teach but are averse to serving in public schools to teach children of members of the orthodox communities who are unwilling to send their girls to public schools. Each teacher gets a stipend of Rs. 10 a month.

(b) There are four such schools in the Dacca district and five in the Tippera district, and most of them are reported to be doing satisfactory work."

By the Hon'ble Mr. H. R. A. Irwin:—

32.

The Victoria
and Dow Hill
Schools.

(a) Is it a fact that the Victoria and Dow Hill Schools are the only purely Government schools for boys and girls, respectively, of the poorer class of European and Anglo-Indian communities in Bengal?

(b) What is the number of the pupils in each school?

(c) (i) What is considered a full staff of teachers for purely scholastic studies, for each school, and

(ii) what is the average number of scholars allotted to each teacher?

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(d) How does the proportion of teachers to scholars compare with what is usual in similar Government schools in England?

(e) (i) Is there a full staff of teachers in each school at present?

(ii) If not, what are the respective numbers and are they adequate to perform the duties expected of them?

(f) What is the sanctioned scale of pay of the masters and mistresses employed and how does it compare with the salaries paid in other similar schools in the country?

(g) Are the Government aware that having regard to the present conditions of life in India the salaries now paid are not considered adequate?

(h) Is it a fact that some of the teachers are, at present, after more than 20 years' service, drawing a salary of Rs. 250 per mensem only, and that they will be entitled to a pension of Rs. 125 per mensem only, after serving the full term required to entitle them to a pension.

(i) Is it a fact that there is considerable difficulty in obtaining the services of competent teachers for the staffs of these schools?

(j) Are the Government considering the desirability of taking steps to insure that these schools shall be maintained in condition of efficiency in so far as that depends upon competent and properly paid masters and mistresses?

Answer by the Hon'ble Mr. O'Malley:—

" (a) Yes.

(b) The Victoria School has 190 boys on the rolls, including 17 small boys, who are taught at the Dow Hill School. The Dow Hill School has 107 girls.

(c) (i) Victoria School—11 teachers, excluding the headmaster and drill instructor.

Dow Hill School—12 teachers, excluding the headmistress, three music mistresses and a drill mistress.

(ii) The Victoria School has at present 9 teachers, excluding the headmaster and the gymnastic instructor, and there are therefore 19 scholars per teacher, but the ratio is not really so high, as the headmaster does a good deal of teaching work. The Dow Hill School has at present 10 teachers, excluding the headmistress, the three music mistresses and the drill mistress, and there are approximately 12 scholars per teacher.

(d) There are no such Government schools in England.

(e) (i) and (ii) No. The Hon'ble Member is referred to the answer to (c) (i) and (ii) above. The staff in both schools is at present not up to full strength.

(f) Two statements are laid on the table. At the Victoria School the pay of the teachers is lower than in schools like St. Paul's, Darjeeling, but the average pay of the teachers of the Dow Hill School is about the same as the average in similar girls' schools in the Presidency. No information is available regarding schools outside Bengal.

(g), (h), (i) and (j) The answer is in the affirmative."

Questions and Answers.

Statement referred to in the answer by the Hon'ble MR. O'MALLEY to question No. 32 (Unstarred) asked by the Hon'ble MR. H. R. A. IRWIN at the Council Meeting of the 7th April, 1919, showing the teaching staff of the Dow Hill School.

Name of teacher.	Designation.	Pay. Rs.	Grade and allowance, if any.
1. Miss H. Brander	Head Mistress	300	Rs. 300—20—500 (outside the grades). Rs. 150 C. L. A.
2. " M. Howe	Assistant Mistress	250	Class I, S. E. S.
3. " J. Russell	ditto	200	Class II, S. E. S.
4. " E. L. Milner	ditto	200	Class II, S. E. S. Sub. <i>pro tem.</i> Rs. 50 C. L. A.
5. Vacant	ditto	150—10—250	Outside the grades.
Miss B. M. Bose	.....	200	Rs. 150—10—250 (outside the graded service).
6. " G. E. McAdam	Mistress of Domestic Economy & Housewifery.	200	Rs. 200—10—250 (outside the graded service).
7. " J. H. DeSouza	Assistant Mistress	150	Class III, S. E. S. Rs. 50 C. L. A.
8. " M. Stuart	ditto	150	Ditto.
9. " A. North	Assistant Mistress (Mistress of Physical Culture & Games), 7th March 1913.	150	Ditto.
10. Mrs. M. G. Small	Assistant Mistress	100	Class V, S. E. S. Rs. 50 C. L. A.
" M. Anderson	Offg. Assistant Mistress	100	Class V, S. E. S.
11. Miss E. A. Lumeden	Assistant Mistress	75	Class VI, S. E. S.
12. " M. Mackertich	Ditto	100	Outside the grades. Rs. 50 C. L. A.
13. " R. Wearing	Ditto	150	Outside the graded service. Rs. 50 C. L. A.
14. " A. T. Cunimins	Assistant Mistress (French).	100	Outside the graded service.
15. " S. George	First Music Mistress	110	Rs. 110—5—170 (outside the graded service).
16. " P. M. Pemberton	Second ditto	100	Rs. 100—5—150 (outside the graded service).
17. " Vacant	Third ditto	100	Outside the graded service.

Questions and Answers.

Statement referred to in the answer by the Hon'ble MR. O'MALLEY to question No. 32 (Unstarred) asked by the Hon'ble MR. H. R. A. IRWIN at the Council Meeting of the 7th April, 1919, showing the teaching staff of the Victoria School.

Name of teacher.	Designation.	Pay. Rs.	Grade and allowance, if any.
1. Vacant	Head Master ...	600	Class II, P. E. S. Rs. 150 C. L. A.
2. Mr. P. M. O'Riordan ...	Assistant Master ...	300	Rs. 200—3—400 (out- side the graded service). Rs. 150 C. L. A.
3. Mr. E. E. Sharp ...	Ditto ...	250	Class I, S. E. S. Rs. 55 C. L. A.
4. Mr. C. S. Price ...	Ditto ...	250	Ditto.
5. Vacant	Ditto ...	250	Ditto.
6. Mrs. L. E. Sharp ...	Assistant Mistress ...	250	Ditto.
7. Mr. G. A. Gooch ...	Assistant Master ...	200	Class II, S. E. S. Rs. 50 C. L. A.
8. Mr. A. R. Greene ...	Ditto ...	200	Class II, S. E. S. Rs. 55 C. L. A. and Rs. 25 (music).
9. Mr. J. J. Elliott ...	Ditto ...	200	Ditto.
10. Miss G. E. Baker ...	Assistant Mistress ...	130	Rs. 130—4—150 (out- side the graded service).
11. Mr. A. Merces ...	Assistant Master ...	75	Class VI, S. E. S. Rs. 55 C. L. A.
12. Mr. F. Berry ...	Assistant Master (Gymnastic Master).	120	Rs. 100—5—150 (out- side the graded service). Rs. 55 C. L. A.
13. Babu Ram Bharat Singh	Munshi ...	60	Class VII, S. E. S. Rs. 12-8 local allow- ance.
Mr. E. V. Saldhana ...	Officiating Assistant Master	...	.....
Mrs. Barnes ...	Officiating Assistant Mistress.	150	Class III, S. E. S.

*The Bengal Village Self-Government Bill, 1919.**Sir Henry Wheeler ; Maulvi Abul Kasem.***LIST OF BUSINESS, ITEMS Nos. 2 and 3.****THE BENGAL VILLAGE SELF-GOVERNMENT BILL, 1919.**

The Hon'ble Sir Henry Wheeler moved that the further report of the Select Committee on the Bengal Village Self-Government Bill, 1919, be taken into consideration.

He said :

"There is a long list of amendments before the Council, but I hope that it will be found that it is somewhat shorter than it looks, as various amendments are more or less identical and others are merely consequential. However, in view of the fact that there is a lengthy agenda paper before us, I do not propose to make any further remarks on the Bill at this stage."

The motion was put and agreed to.

The Hon'ble Sir Henry Wheeler also moved that the clauses of the Bill be considered for settlement in the form recommended by the Select Committee.

The motion was put and agreed to.

AMENDMENT No. 1 (APPENDIX TO THE LIST OF BUSINESS).

In the absence of the Hon'ble Maulvi Fazl-ul-Haq, the **Hon'ble Maulvi Abul Kasem** moved the following amendment :—

that in sub-clause (1) of clause 1 for the word "village" the word "rural" be substituted.

The Hon'ble Sir Henry Wheeler said :—

"My Lord, the Hon'ble Member has not given any arguments in support of the change suggested, which, in effect, is one of drafting, and as a general principle, I think that matters of drafting are best left to the Legislative Department and the Select Committee. The facts are that in the Bill originally introduced the title and preamble were as follows :—

'A Bill to extend Village Self-Government in Bengal.—WHEREAS it is expedient to extend the system of Village Self-Government in Bengal, etc.'

When we were considering the point in Select Committee we thought that in place of the general phrase 'to extend the system of Village Self-Government in Bengal', it was more correct to say that it was intended to develop the system of Self-Government in the rural areas of Bengal ; and we accordingly changed the title and preamble to that effect, viz.,—

'A Bill to develop Self-Government in the rural areas of Bengal.—WHEREAS it is expedient to develop the system of Self-Government in the rural areas of Bengal, etc.'

We did not alter clause 1(1) which runs : 'This Act may be called the Village Self-Government Act, 1919 ; as we thought that this was clear and concise, identifying the object of the Bill with the unit of the village. We, therefore, left it as it was.

As I understand the amendment, the idea underlying it is that we should adjust clause 1 (1) in the terms of the amended preamble. It is not necessary that we should do so, and the Select Committee after again examining the point when the Bill was re-committed to it, decided to adhere to the present wording."

Another objection to altering the drafting is that it involves various consequential amendments in such places as the schedule, where the Bill is referred to by its title, and these amendments have not been worked out by the Hon'ble Member. I would, therefore, oppose the amendment, as purely one of drafting, the acceptance of which might lead to complications in other parts of the Bill."

*The Bengal Village Self-Government Bill, 1919.**Maulvi Abul Kasem ; Babu Akhil Chandra Datta.*

The Hon'ble Maulvi Abul Kasem said :—

"My Lord, in the absence of my friend, the Hon'ble Maulvi Fazl-ul Haq, I moved it at his request. I do not see much difference in the wording and do not press this amendment."

The motion was then put and lost.

AMENDMENT No. 2.

The Hon'ble Babu Akhil Chandra Datta moved that for sub-clause (3) of clause 1 the following be substituted, namely :—

"(3) It shall come into force in the whole of Bengal and on such dates as the Local Government may, by notification, fix within a period not exceeding three years from the date on which this Act is passed, and the Local Government may, by notification, withdraw this Act from any district or part of a district provided that the reasons for such withdrawal shall be stated in the notification."

He said :

"My Lord, as the clause stands now, it will come into force in such districts or such parts of districts and on such dates as the Local Government may, by notification, direct. The two things that I want to draw your Excellency's attention to are that it is proposed that it shall come into force in such districts to which it may be made applicable, and that such dates as may be fixed by notification. In place of this, I want to submit that it should come into force in the whole of Bengal, and in the second place it should be introduced within such period as may be fixed by the Local Government, that period not exceeding three years from the date of the commencement of the Act.

In connection with this amendment, I crave your Excellency's indulgence just to say a word or two about the general applicability. My Lord, we have been taken to task for sending in notice of many amendments. As I entered the Council Chamber this morning, the Hon'ble Mr. Phelps drew my attention to the impropriety of such a large number of amendments and suggested in fact that it would be playing the part of an obstructionist to press for so many amendments. I have, of course, accepted the suggestion in the spirit in which it was offered. My only answer to this charge is to be found in the amendments themselves. This amendment goes to show that we do not want to be obstructionists ; in fact, we rather welcome this Bill. All my complaint is that it should not be delayed, but brought into operation at once ; and on the other hand it should not be withheld from any particular district or districts, but should be made applicable to the whole of the province. That goes conclusively to show what is my real attitude with regard to this important measure. In fact, my Lord, I can claim this that of all the 50 Hon'ble Members of this Council, I am the one who wants that the whole of this important measure should be introduced at once, and in all districts, so that it goes to show that although we want amendments and changes here and there, in some cases in matters of principle and in the others in regard to details, on the whole we welcome this measure and we are anxious that it should be given effect to at once.

The object of this amendment is that we know from our past experience that however statesmanlike and wise a measure may be, its operation is sometimes delayed owing to the report of some local officers, as there may be some officers who may not like the measure. I, therefore, suggest that this

*The Bengal Village Self-Government Bill, 1919.**Sir Henry Wheeler.*

measure should be introduced all at once, as such reports may be submitted by local officers as may lead to delay. For that reason I have suggested the period of three years. Three years being a sufficiently long period, the local government should be able to know when the people want this measure and when the Government want it. This period is sufficiently long in which the Government ought to be able to introduce it in the whole of this province.

Then, my Lord, with regard to the last portion of this amendment, what I want to submit is that the local Government may, by notification, withdraw the Act from any district or part of a district. I want to add to it a proviso, namely, 'provided the reasons for such withdrawal shall be stated in the notification'. This is, I submit, not an unreasonable proposal. If a district is given the privilege of the extension of the Act and if later on it is to be deprived of it, it is only proper that the reasons should be stated for such withdrawal. That it is all I have got to say."

The Hon'ble Sir Henry Wheeler said :—

"My Lord, I do not propose to follow the Hon'ble Member in his general explanations of his attitude towards this Bill. Whatever may be the number of the amendments, I do not know that, personally, I have commented on them in particular, and their value can best be judged by the Council when we conclude our labours.

This particular amendment raises two points which are distinct from each other. The Bill, as framed, contemplates elasticity in its extension to various parts of the province. It only comes into operation in various areas as on notified dates, and such areas may be either districts or parts of districts. The Hon'ble Member says : 'No, the Bill must rigidly come into operation throughout the whole province in three years'. I think, Sir, that the reasons in favour of elasticity are overwhelming, and they are both theoretical and practical.

In the first place, the conditions of this province are not homogeneous. It is often overlooked that the conditions of India are not homogeneous, and it is equally true that the conditions of any particular province within India are not homogeneous. Merely to give a few instances, we have tracts like Darjeeling, portions of the Chittagong Hill Tracts and the Duars, which are mainly inhabited by aborigines; also there are parts of Midnapur and Bankura which are inhabited by Southals and the like. These tracts are absolutely different from more advanced portions, such as the Munshiganj subdivision of the Dacca district, for example, or the subdivisions of Mymensingh. It is not wise in that view to say that the whole province in respect of village self-government must be treated on the same lines. It is merely to court failure, not to recognize that an advance may be possible in some areas, but impossible in the less advanced ones; and it is in recognition of that fundamental fact that the Bill has provided for elasticity. The extension or the development of self-government will first be tried in the advanced areas where it has most chance of success, and in the light of the experience so gained we shall go on extending it to others. It is impossible to believe that within the short space of three years the differences between the different parts of the province will have disappeared.

That is the theoretical argument, and there is also a practical argument. To introduce this system without careful supervision and encouragement from the outset will also be to invite failure. To exercise supervision we must have a staff; and it will be difficult to recruit that staff within so short a space as three years, much less to train them. The opinion of the District Administration Committee, on whose report this measure is largely based, was that three or four districts might be taken up every year, but I would deprecate any rigid programme. What we want is elasticity, so that we can be guided by what seems best in the light of the actual work

*The Bengal Village 'Self-Government' Bill, 1919.**Babu Akhil Chandra Datta ; Sir Henry Wheeler.*

done. So, both on theoretical and practical grounds, I would press for the less rigid provision in the Bill. The clause hurts nobody, and it is the wish of the Local Government to extend the system as much as possible ; the only point on which it lays stress is that in so doing it should not be bound absolutely by impossible dates.

The second point raised in the amendment is that in any notification we should give the reasons for our action. My objection to that is that a notification is a statutory declaration, which states a certain fact in concise and clear language in order that the existence of that fact may be easily available on record on whatever occasions reference has to be made to it, whether in the Courts or elsewhere. A notification is not meant to be argumentative ; it is merely meant to declare that such and such a thing took place. I would, therefore, deprecate the cumbering of it by arguments. It is not necessary that it should give reasons. The Act could not be withdrawn from any district without full opportunity of the question being raised, say, in this Council either by question or resolution, or by the other various means that are at the disposal of Hon'ble Members. There is, therefore, no hiding of the reasons simply because they are excluded from the notification. On these grounds, Sir, I would deprecate the acceptance of this amendment."

The Hon'ble Babu Akhil Chandra Datta said :—

"My Lord, the two points that have been raised by the Hon'ble Sir Henry Wheeler in reply are that in the first place the system should be first tried in some of the advanced districts ; and that in the second place, necessary arrangements have got to be made. Now, with regard to the first objection, I would submit that the system has already been tried for some years past. It was introduced first, if I remember rightly, in 1904—I speak subject to correction—at all events about the time when it was first introduced. It has been tried in several districts and the result of that experiment is the report of the District Administration Committee recommending the legislation which is now before us. Therefore, it is not a matter of first impression ; the system has already been a trial and it has been found to be successful.

As regards the arrangements to be made, I admit that arrangements have, of course, to be made, but at the same time the period of three years is tolerably long, and if it is supposed that that period is not sufficiently long for making preliminary arrangements, I think that is a question of detail and that the period may be extended to five years. In any case, all my anxiety is that the whole of this province may be given the benefit of this legislation within a reasonable period of time.

My Lord, I do not like to add anything to the remarks which I have already made with regard to the second point about the inclusion of the reasons in the notification."

The Hon'ble Sir Henry Wheeler said :—

"My Lord, with reference to the last remarks of the Hon'ble Member may I ask him three questions? Will he name a single area in this province in which the system of the combined functions of the chaukidari panchayet and the local self-government union are in force? Will he name a single area in this province in which the enlarged powers of the union board proposed in this Bill are in force? Will he name a single area in which the system of village courts or benches is in force."

The Hon'ble Babu Akhil Chandra Datta said :—

"My Lord, I admit, of course, that there are two bodies now, namely, the Panchayet Unions under the Chaukidari Act of 1870 and the Union Committees under the Local Self-Government Act (Bengal Act III of 1885)

*The Bengal Village Self-Government Bill, 1919.**Babu Kishori Mohan Chaudhuri ; Sir Henry Wheeler.*

Certainly, these are two separate bodies working separately and not in combination as it is now proposed to make under this Bill ; but all the same, there are the Panchayati Unions working side by side with the Union Committees, which have worked under the President system. They have been tried, for instance, in Tippera, in Burdwan, and also I believe in Bakarganj. I admit, however, that they have not been tried exactly in the manner in which it is now proposed, namely, combining the two functions in one body ; in substance it is the same, as by the change that is proposed to be introduced under this Bill, we are going to have one body, instead of two bodies, doing the duties of the Chaukidari Unions as well as of the Union Committees."

The motion was then put and lost.

AMENDMENT No. 3.

The Hon'ble Babu Kishori Mohan Chaudhuri moved that the words "and the Local Government may, by notification, withdraw this Act from any district or part of a district" in lines 3 to 5 of sub-clause (3) of clause 1 be omitted.

He said :

"My Lord, my point is this. This seems to be a new provision in this Bill ; in the Local Self-Government Act and the Municipal Act there is no parallel to this provision. Of course, Government will be cautious enough to introduce this measure wherever they consider these privileges should be granted. My point is this : that once this is done, the privilege should not be withdrawn. If the new bodies are found wanting in any respect, then the remedial measure of suspension may be introduced, but as these privileges are being introduced for the first time, there may be failures here and there, in that case I submit that all the privileges may not be withdrawn. That is my contention. I suggest in those cases remedial measures should be taken. Three bodies are mentioned here ; the village panchayet, the Union Committee, and the chaukidari panchayet. As regards the last two they are working tolerably well, and as regards the first, option is given to the local people if it is not working well, not to go to them, but to go to the district tribunal. My suggestion is that suspension or some such measure may be resorted to in case of failure, and the people may be given an opportunity of gaining experience in local self-government with the help of the district officers and the district board, and I pray that they may not be deprived of the privileges once granted."

The Hon'ble Sir Henry Wheeler said :—

"My Lord, the justification for this provision is somewhat similar to that which I have just been arguing in connection with another amendment, viz., that we should have elasticity in introducing these changes—the power to go forward when we find it desirable to go forward, and the power to go back when we find it necessary to go back. The Hon'ble Member speaks of the inexpediency of withdrawing a concession when once it has been given, but it is really in the interests of village self-government that we should have this power, because, if we feel that the position is easily retrievable, and if we know that if an experiment is not succeeding we can abandon it, then we need have less hesitation in giving the new system a trial. Therefore the clause, as it stands, really helps the object which the Hon'ble Member has in view, which is, apparently, that the Bill should be extended as rapidly as possible throughout the province and should be a success in working. There is much about the Bill which is experimental. I maintain that the Hon'ble Babu Akhil Chandra Datta was

*The Bengal Village Self-Government Bill, 1919.**Babu Kishori Mohan Chaudhuri. ; The President.*

entirely in error in representing that it is merely a continuance under another name of what has been working in this province for some time. It is true that we have chaukidari punchayets; it is true we have local self-government unions; but the bodies which this Bill will create will be bodies with largely increased powers and responsibilities and rights of taxation. They will be bodies which will work under a different degree of supervision to those which now exist, and they will be bodies which will exercise judicial powers for which at present there is no counterpart whatever. Therefore, the Bill is in the nature of an experiment, and I submit that we are justified in being guided in this experiment by the light of the experience which we gain. The only valid argument for the amendment is one which the Hon'ble Member has not mentioned, and that is, that the words in the clause are unnecessary. They are unnecessary since section 22 of the General Clauses Act provides that—

'Where, by any Bengal Act, a power to make orders, rules, by-laws or notifications is conferred, then that power includes a power, exerciseable in the like manner and subject to the like sanction and conditions (if any), to add, to amend, vary or rescind any orders, rules, by-laws or notifications so made.'

So the power which the Bill mentions is a power which already exists in the Bengal statutes. It may be said why then include it in the Bill? We did so for the sake of completeness; the Bill will be read by men who are not acquainted with the General Clauses Act or with the Bengal statutes, and there are one or two other small points which we have mentioned in this Bill, although they are also covered by Acts elsewhere. Therefore, Sir, I think the wording of the clause should be retained."

The Hon'ble Babu Kishori Mohan Chaudhuri said :—

"My Lord, in reply I have to say that I do not want that the provision should be introduced at once into the whole of Bengal, within a certain time. Wherever necessary and where circumstances admit it may be introduced, but my suggestion is that once introduced it may not be taken away at a moment's notice. Of course, there is the power under the General Clauses Act. My point is that wherever anything is found wanting, some remedial measures may be taken."

The motion was then put and lost.

AMENDMENT No. 4.

The following motion stood in the name of the **Hon'ble Babu Kishori Mohan Chaudhuri :—**

If motion No. 3 be not carried, also to move that after the words "or part of a district" in line 5 of sub-clause (3) of clause 1 the following be inserted, namely :—

"and shall in the notification state in detail the reasons for such withdrawal."

He said :

"My Lord, I want to know whether this has been already disposed of. In that case, I will withdraw it."

The President said :—

"Yes, it is not in order now."

The amendment was then, by leave of the President, withdrawn.

*The Bengal Village Self-Government Bill, 1919.**Babu Ambika Charan Mazumdar ; Sir Henry Wheeler ; Maulvi Abul Kasem.***AMENDMENT No. 5.**

The Hon'ble Babu Ambika Charan Mazumdar moved that the definition of "circle officer" in sub-clause (2) of clause 2 (now clause 4) be omitted.

He said :

"This is not a very important amendment. In fact, it is not one of those amendments, which in the words of my friend, the Hon'ble Rai Radha Charan Pal Bahadur, would break the heart of anybody on this side of the House, nor the backbone of anybody on the other side, if it is or is not carried. It is simply intended to remove an incongruity. There were certain clauses in the original Bill relating to circle officers and circle boards. Those provisions have been altogether eliminated from the present Bill so that the words 'circle boards' or 'circle officers' find no place here. We do not define a word which does not find a place in the body of the Bill itself, so I consider this definition to be inappropriate in the present shape of the Bill. It might be argued that Government may appoint certain officers to be called circle officers. In that case this definition may well come in under the rules, but I do think that the definition of a word which does not find a place in the Bill, itself is unnecessary."

The Hon'ble Sir Henry Wheeler said :—

"My Lord, I imagined that the Hon'ble Member was going to base his amendment upon the ground that he saw no necessity for having circle officers at all ; if he had done so, I would have had a good deal to say, from which I can now fortunately spare the Council. But as he has not used that argument, I oppose the amendment on the ground that it is not necessary. I think he is under a misapprehension. If he will look at clause 56 (now clause 51) he will find that a statutory duty is laid on circle officers to see that the proceedings of union committees are in conformity with the law and with the rules in force thereunder, while in schedule III, items 4 and 5, the circle officer is mentioned as a person to whom certain functions may be delegated, namely, the appointment, dismissal and fining of dafadars and chaukidars. In the light of these facts, there is perhaps some misapprehension on the Hon'ble Mover's part, and I cannot therefore accept the amendment."

The Hon'ble Babu Ambika Charan Mazumdar said :—

"My Lord, I am sorry my attention was not drawn to clause 56 (now clause 51) as now modified and I beg to withdraw this amendment."

The motion was then, by leave of the President, withdrawn.

AMENDMENT No. 6.

The following motion which was covered by the decision on the previous motion was then held to be withdrawn :—

The Hon'ble Babu Kishori Mohan Chaudhuri to move that the definition of "circle officer" in sub-clause (2) of clause 2 (now clause 4) be omitted.

AMENDMENT No. 7.

The Hon'ble Maulvi Abul Kasem, in the absence of the Hon'ble Maulvi A. K. Fazl-ul-Haq, withdrew the following motion with the permission of the President, viz.—

that after the words "district board" in line 3 of clause 3 (now clause 5) the words "and of the inhabitants" be inserted.

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*Maulvi Abul Kasem; Mr. O'Malley; Babu Kishori Mohan Chaudhuri;
Sir Henry Wheeler.*

AMENDMENT No. 8.

The Hon'ble Maulvi Abul Kasem moved that after the words "district board" in line 3 of clause 3 (now clause 5), the words "and the local boards" be inserted.

He said :

"My Lord, my reasons for this amendment are that whenever the Government are to consider the question of the formation of unions, the Select Committee have thought it desirable to have the opinions and views of the district board, and I submit that in the case of village unions, the local board's opinion should also be consulted, because there are people there from different parts of the subdivision and different parts within the jurisdiction of the local boards, and therefore they are the proper persons to advise the authorities as to the formation of village unions. As regards district boards, while they are quite competent to advise the creation of unions, the members of the board have not that intimate knowledge of rural areas as is possessed by the members of the local boards. I think their opinion should also be considered before passing orders for the formation of union boards."

The Hon'ble Mr. O'Malley said :—

"My Lord, Government recognize that it is a reasonable proposition that local boards as well as district boards should have the opportunity of expressing their views about the formation of unions, because they have an intimate knowledge of the areas under their jurisdiction, and also because they will be the controlling authorities over union boards. It is natural, therefore, that they should claim the right to have a right to be consulted when the formation of unions is proposed, and on this account I accept the amendment on behalf of Government."

The motion was then put and agreed to.

AMENDMENT No. 9.

The Hon'ble Maulvi Abul Kasem, in the absence of the Hon'ble Maulvi Fazl-ul-Haq, withdrew the following amendment with the permission of the President, viz. :—

that the words "and for the reasons stated in such notification" be added at the end of clause 3 (now clause 5).

AMENDMENT No. 10.

The Hon'ble Babu Kishori Mohan Chaudhuri moved that sub-clause (3) of clause 4 (now clause 6) be omitted.

He said :

"My Lord, in sub-clause (2), clause 4 (now clause 6), it is provided that the members shall be elected within such time and in such manner as may be prescribed by rules under clause 111 (now clause 101), so I do not see why there should be any provision for one-third of the members to be nominated by Government when there is a clear provision that all the members shall be elected. Practically it nullifies the provision made in sub-clause (2), therefore, I move [that sub-clause (3) may be omitted.]"

The Hon'ble Sir Henry Wheeler said :—

"Sir, this provision of the Bill is justified by the variations in the existing conditions in different parts of the province to which I have already made

*The Bengal Village Self-Government Bill, 1919.**Kishori Mohan Chaudhuri; Maulvi Abul Kasem; Mr. O'Malley.*

reference. Under clause 4(2) members of union boards will ordinarily be elected, but the system of full election to bodies of this kind is by no means at present in force throughout the province. Members of the chaukidari panchayet are appointed by the district magistrate, while the number of union committees is comparatively few, and certainly, up to recently, some members of them were almost invariably appointed and not elected. Therefore, Sir, we have no precedent for imagining that successful elections can be conducted everywhere, and we know with fair certainty that whereas there may be places in which we can get a suitable board by election, there may be places in which it will be best to appoint a small proportion of the board. There is nothing particularly reactionary in a provision of this kind. It will be observed that we merely take power to appoint up to a third, whereas under section 41 of the Local Self-Government Act the Executive Government can, if necessary, appoint the whole body, so we are being more liberal than that existing provision of the Act. We are also being more liberal than the recommendation of the District Administration Committee which was to this effect:

'The members of the union panchayets should be partly elected and partly nominated, in the proportion of two-thirds elected and one-third nominated. This departure from the provisions of sections 39 to 41 of the Local Self-Government Act and the rules for the election of members of union committees framed under section 138 (a), is, in our opinion, necessary, as in addition to their municipal functions the panchayets will perform certain judicial and executive duties, with which the District Boards will have no concern.'

Their proposal, therefore, was that in all cases there should be a third of nominated members. The Bill merely takes power to add such a third wherever it may be deemed necessary, and in the light of these facts, I submit that it cannot be regarded as either conservative or retrograde."

The Hon'ble Babu Kishori Mohan Chaudhuri said :—

"My Lord, the only thing that I should like to draw your Excellency's attention to is that in sub-clause (2) it is provided that the members shall be elected, it is not stated that it is ordinarily to be done in that way. If there is any failure, that failure may be covered by rules made under clause 111, (now clause 101) but the provision of one sub-clause practically nullifies that of another, which is not very desirable, so I think there will be no serious difficulty in omitting sub-clause (3)."

The motion was then put and lost.

AMENDMENT No. 11.

The following motion which was identical with the previous amendment was then held to be withdrawn :—

The Hon'ble Babu Akhil Chandra Datta to move that sub-clause (3) of clause 4 (now clause 6) be omitted.

AMENDMENT No. 12.

The Hon'ble Maulvi Abul Kasem, in the absence of the Hon'ble Maulvi Fazl-ul-Haq, moved that in line 6 of sub-clause (3) of clause 4 (now clause 6) for the word "magistrate" the word "board" be substituted.

The Hon'ble Mr. O'Malley said :—

"My Lord, no reasons have been given in support of the amendment. However, I would explain that there are two main reasons why it is

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proposed that the appointments should be made by the district magistrate. The first is that the district magistrate will be able to remedy inequalities produced by election, and to protect the interest of minorities. The second reason is that a district board is not a suitable agency for appointment. It meets only once a month and there is therefore risk of delay in appointment. Delays are dangerous; they may give opportunities for unhealthy rivalry and canvassing for appointments. If this amendment were accepted, the union board could not be constituted until the district had held one of its monthly meetings. The district magistrate, however, can ascertain quickly and promptly, who will be acceptable to the villagers, and who will be worthy representatives of minorities. Therefore, Government cannot accept the amendment."

The Hon'ble Maulvi Abul Kasem said :—

"My Lord, in view of the statement made by the Hon'ble Mr. O'Malley, I beg to withdraw this amendment."

The motion was then, by leave of the President, withdrawn.

AMENDMENT No. 13.

The following motion stood in the name of the Hon'ble Maulvi A. K. Fazl-ul-Haq :—

If motion No. 12 be not carried, also to move that after the words "district magistrate" in line 6 of sub-clause (3) of clause 4 (now clause 6) the words "on the recommendation of the district board" be added.

The Hon'ble Maulvi Abul Kasem, in the absence of the Hon'ble Maulvi Fazl-ul-Haq, said :—

"My Lord, this amendment follows the same line as the previous one which has just been disposed of, therefore I do not wish to move it."

The motion was then, by leave of the President, withdrawn.

AMENDMENT No. 14.

The Hon'ble Babu Ambika Charan Mazumdar moved that at the end of sub-clause (3) of clause 4 (now clause 6) the following be added, namely :—

from among persons, other than police-officers, who may be for the time being resident within the limits of the union.

He said :

"My Lord, this amendment refers to sub-clause (3) of clause 4 (now clause 6). One of the chief recommendations of the present measure is the distinct tendency which it exhibits towards developing the principle of election, and thereby laying a solid foundation for the growth and development of local self-government in its truest sense. Now, the Bill contemplates certain chances in which it may be necessary for the magistrate acting on behalf of Government to nominate not more than one-third of the total number of members. I beg to propose that at the end of this clause should be added the following words : 'from among persons other than police officers who may be for the time being residents within the limits of the union'. That is, I consider, Sir, to be very important. If police officers are to be appointed, then the very essence of the Bill will be minimized. On the other hand, if police officers are to be appointed the union boards will become unpopular bodies, and if unpopular they will also become unsuccessful. It goes without saying that if a police officer becomes a member of a union board, in that case whether he be or be not the chairman or vice-chairman, he will carry considerable influence, and the other members will always stand in some fear

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of either disobliging him or going against him, and as the Government intend really to make it an effective measure of local self-Government, I think the police officers ought to be excluded and the magistrate's discretion of not appointing not more than one-third should be confined to persons other than police officers, and that those persons should be for the time being residents within the union. With this in view I submit that this additional phrase ought to be added at the end of sub-clause (3)."

The Hon'ble Mr. Kerr said :—

"My Lord, I am afraid it is not possible to accept this amendment. It seems to assume in the first place that no police officers would be fit to have the honour of being members of these union boards, and in the second place, that the district magistrate is going to pick out unfit police officers and put them on to the boards. I do not say that it will often happen that a police officer will be appointed a member of a union board. Police officers as a rule are too much occupied with their ordinary work, they often have to spend a large portion of their time in investigating cases and touring about in their jurisdiction, and people of that kind would not be suitable as members of the board. But there are some stationary police officers, like court sub-inspectors or head constables in charge of the thana records, who are often very worthy men, and if you come across men like that who take a real interest in village improvements, it might be desirable to put them on the board. I think it would be a great mistake to have a statutory provision preventing us from utilizing the services of such men. It is, however, not mainly on practical grounds that I oppose this amendment. I oppose it because it casts a stigma on the police officers of the province. I do not know whether the Council are aware that we are now recruiting as sub-inspectors men of good family and good education. Only the other day a man came to the Inspector-General of Police, an M.A., and asked to be enrolled as a head constable. His idea was to work his way up from the rank to the top of the force. That is the spirit that we want to encourage if the country is to have the sort of police force it ought to have. I put it to the Council, are you going to encourage a proper spirit in the police force, if you put into a Bill of this kind a declaration that members of the police force are unfit to undertake the most elementary duties of citizenship? Government are not prepared to accept this, or to cast a stigma of this kind on the police force, and I would ask the Council as a responsible body to decline likewise to pass such a stigma on a body of public servants who, I may remind the Council, are mainly Indians."

The Hon'ble Sir Deba Prasad Sarbadhikari said :—

"My Lord, from the point of view of some of us on this side of the House I would like to associate myself with what has fallen from the Hon'ble Mr. Kerr. I do not think we shall be encouraging men of the police force if we are going to have a statutory bar and disqualification like this. I do not know what a force, manned mostly by our own countrymen, have done to deserve this slur as a body. My hon'ble friend must be acquainted with a great many police officers who are worthy, honest and reliable and the tendency towards improvement is steady. I quite agree that there may be police officers quite unfit to be as members of the board, but I do not think that the district magistrate would go out of his way to appoint undesirable police officers. It would be a great wrong to a deserving body of men if we exclude them by a statutory provision, thus casting an undeserved reflection on the force."

The Hon'ble Babu Ambika Charan Mazumdar said :—

"My Lord, on behalf of Government it is first contended that it is not likely that the magistrate will appoint undesirable police officers. Well, I quite accept that, but I don't see any reason why some limit should not

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be placed upon him in the appointment of police officers. Then it is said that very efficient and very intelligent police officers are now being appointed. Well, as I have already said, by introducing police officers in these union boards we run the risk of wrecking this very important measure, and I have nothing more to add."

The motion was then put and lost.

AMENDMENT No. 15.

The Hon'ble Maulvi Abul Kasem moved that after sub-clause (3) of clause (4 now clause 6), the following be inserted, namely :—

"Provided that the member or members so appointed shall be entitled to be elected as members of the union board under section 5 (now section 7)."

He said :

"What I mean by this amendment is, my Lord, that the choice of the district magistrate or the authorities appointing the members of the union boards should be limited to those who are qualified to be elected as members of the board."

The Hon'ble Sir Henry Wheeler said :—

"My Lord, in the sense that the Hon'ble Maulvi Abul Kasem has explained the amendment, I have no objection to accepting it. His object is that we should not appoint a person to the union board who has not the qualification which is required of an elected member, and that is a reasonable suggestion. The amendment, however, is not very happily worded when it talks of the 'members so appointed shall be entitled to be elected'. I think we can put it in a better form, which, I gather, the Hon'ble Member will accept.

I would suggest that it be moved in the following way :—

'Provided that no member shall be so appointed unless he is entitled to be elected as a member of the union board under section 5 (now section 7)'."

The Hon'ble Maulvi Abul Kasem said :—

"My Lord, I accept the amendment proposed by the Hon'ble Sir Henry Wheeler and I hope that it will be accepted by the Council."

The motion was put in the following form and agreed to :—

After sub-clause (3) of clause 4 (now clause 6) the following be inserted, namely :—

'Provided that no member shall be so appointed unless he is entitled to be elected as a member of the union board under section 5 (now section 7)'."

AMENDMENT No 16.

The Hon'ble Babu Kishori Mohan Chaudhuri moved that for the word "may" in line 3 of sub-clause (4) of clause 4 (now clause 6), the word "shall" be substituted.

He said :

"My Lord, I hope this amendment will be accepted and so without putting forward any arguments I submit it for the consideration of the Council."

*The Bengal Village Self-Government Bill, 1919.**Sir Henry Wheeler; Babu Akhil Chandra Datta.***The Hon'ble Sir Henry Wheeler** said :—

"My Lord, I have no objection to accepting this amendment. The clause, as worded, says that vacancies *may* be filled by another election or by appointment by the district magistrate: the word 'may' is used as there are two possible ways of filling vacancies; but in a sense 'may' does mean 'shall', as the vacancies could not be left unfilled. Therefore, Sir, as 'may' practically means 'shall', I am quite willing to accept the amendment."

The motion was put and agreed to.

AMENDMENT No. 17.

The Hon'ble Babu Akhil Chandra Datta moved that for the words "the vacancies may be filled by another election or by appointment by the district magistrate" in lines 3, 4 and 5 of sub-clause (4) of clause 4 (now clause 6) the following be substituted, namely :—

"the vacancies may be filled up by another election: but, if on the date fixed for such election, the electors of any union also fail to elect the full number of members prescribed, the vacancies may be filled by appointment by the district board".

He said :

"My Lord, my reason is that as the sub-clause stands the vacancies may be filled by another election or by appointment by the district magistrate. One of two things may happen—either there may be simultaneously an election and also an appointment by the district magistrate, or the opposite thing may happen, namely, that the members may think that the appointment will be made by the district magistrate and they need not make an election, while, on the other hand, the district magistrate may not take any steps thinking that the vacancy will be filled by election. This, I submit, will not be satisfactory in practice, and, therefore, I propose that the vacancies may be filled up by another election; but if, on the date fixed for such election, the electors of any union also fail to elect the full number of members prescribed, then the vacancies may be filled by appointment by the district board. That is my first point. My second point is that in the case of an appointment the appointment should be made by the district board and not by the district magistrate."

The Hon'ble Sir Henry Wheeler said :—

"My Lord, as the Hon'ble Mover has stated, there are two points involved in this amendment, and I will take them separately.

Let me first explain briefly how the clause came to take its present shape. As I have said before, this electoral system in these small village bodies, will, to a certain extent, be experimental, and we know by experience that even in larger bodies, such as municipalities, elections do fail, possibly because the people concerned are not sufficiently interested to come to the poll or it may be, by reason of technical difficulties. In these village elections there will be a greater likelihood of that kind of failure occurring. Therefore, in the Bill as originally introduced, it was provided that if within a period fixed in this behalf the electors of any village committee failed to elect the full number of members prescribed for the committee, the district magistrate should appoint the remainder; that is to say, if the village committee did not take advantage of the right of election, they lost it once for all. When we were considering the matter in Select Committee, it was represented to us that this might be a little hard, as there might be valid reasons why the election had failed, for which it would be

*The Bengal Village Self-Government Bill, 1919.**Babu Akhil Chandra Datta; Rai Rudha Charan Pal Bahadur.*

reasonable to give the villagers a kind of *locus pœnitentiæ* and another opportunity of electing their representatives. We considered the suggestion to be reasonable, and we therefore drafted the clause in its present elastic form, which says, that if one election fails then there may be another election or resort may be had to appointment. We left it elastic; because it is impossible to define under what circumstances precisely elections would fail; such a result might be due to a temporary cause or a permanent cause. The district magistrate would have to judge whether it was caused by an accident which was likely to be rectified by another election, or whether there were permanent influences at work which rendered appointment desirable. We have also in clause 111 (now clause 101) taken power to prescribe rules which would govern the exercise of this discretion. There is not the slightest wish of the Local Government to take away the right of election whenever it can be advantageously exercised. If the right of election is given at all, we would much prefer to see the union boards chosen in that way; but contingencies may arise which may render election impossible, and we have accordingly provided for them in a more elastic form than that originally inserted in the Bill.

As regards the second proposal of the Hon'ble Mover, that appointment should be by the district board in place of the district magistrate, the Hon'ble Mr. O'Malley has argued that point in connection with another amendment, and the same arguments are applicable here, rendering it undesirable to make such a change."

The Hon'ble Babu Akhil Chandra Datta said :—

"My Lord, there is not much dispute about the principle underlying this provision. The question is not whether electors will be deprived of the right of election or they might not have any control. Quite apart from that my difficulty is this: The provision being alternative, the members might think that the appointment would be filled up by the district magistrate and the district magistrate in the same way might think that the appointment would be filled up by election; so that the result may be no action on the part of both the bodies. On the other hand, both might take necessary steps for filling up the vacancy simultaneously. Supposing the members elect and also the district magistrate appoints a man for the vacancy, what would be the result in that case? To avoid that, my Lord, I submit that vacancies may be filled up by another election. That will also make it very clear as appears from the line of argument advanced by the Hon'ble Sir Henry Wheeler, because an election may fail on account of technical grounds. That is a case in which it is only fair that they should be given another election. So, both on the ground of expediency as well as on the ground of principle, I think that the amendment I have suggested is a better one than the provision as it stands."

The motion was then put and lost.

AMENDMENT No. 18.

The Hon'ble Rai Radha Charan Pal Bahadur moved that after the words "election or" in line 4 of sub-clause (4) of clause 4 (now clause 6) the words "in the event of the failure of such second election" be inserted.

*The Bengal Village Self-Government Bill, 1919.**Sir Henry Wheeler; Rai Radha Charan Pal Bahadur.*

He said :

" My Lord, my amendment follows the same lines as the previous amendment, with this difference, that in the event of the failure of such second election, the appointment will be made by the district magistrate, and in the previous amendment which was moved by my hon'ble friend, Babu Akhil Chandra Datta, the appointment was to be made by the district board. That is the difference. My Lord, I have heard the reply of the Hon'ble Sir Henry Wheeler to the first part of the amendment. That is, to ensure a second election, which is common to both the amendments. He says there may be temporary or permanent cause, and if it is temporary the district magistrate will grant a second election, and if it is permanent the district magistrate will make the appointment, and it is not the intention of Government to avoid a second election which he says will be regulated by the rules to be framed under clause 111 (now clause 101). The intention being clear, I think the Hon'ble Member would kindly consider whether the discretion would be left to the unaided judgment of the district magistrate. Well, there may be temporary or permanent causes, and the district magistrate may make a mistake, but nothing will be lost if a provision for a second election is made. Government will not lose anything by this. It will also emphasize very clearly the intention of Government. Further, if any mistake is made by the district magistrate, and if the district magistrate does not grant an election, then the chance of the second election will be gone, and perhaps it may lead to unpleasant feelings between the district magistrate and the people of the area concerned. Therefore, I hope my Lord, that my amendment will receive favourable consideration at the hands of the Hon'ble Member in charge of the Bill."

The Hon'ble Sir Henry Wheeler said :—

" My Lord, it is true that the present amendment does not contain the second point to which I took exception in connection with the amendment which has just been moved, but the first point still remains, and the arguments which I have urged against it remain valid in objection to it. Briefly, it is preferable to retain the elasticity of the clause as it stands to the rigid prescription that there must be two elections. It may be reasonable to hold a second election or it may be entirely unnecessary; it is therefore best to leave a discretion to the district magistrate, and far from the exercise of that discretion being unfettered, it will be regulated by rules for the making of which we take power in clause 111 (now clause 101)."

The Hon'ble Rai Radha Charan Pal Bahadur said :—

" My Lord, if it is the intention, as I have said, of Government to frame rules under clause 111 (now clause 101), is it not much more satisfactory to have that intention made clear in the specific clause of the Bill? The Hon'ble Member says that we do not want to make a rigid prescription that a second election will be allowed. I do not understand how a rigid rule can be framed under clause 111 (now clause 101), which will allow a second election in all cases where the first election fails. My Lord, I think, having regard to the *pros* and *cons* of the case, Government will do well to accept this amendment, because, after all, neither will Government lose anything nor will the administration suffer in any way, but on the contrary, the people will be highly gratified if this clause is accepted. As this will be practically left in the hands of the district magistrate, I fail to understand what is the objection to this clause being inserted here. I would, therefore, ask the Hon'ble Member in charge of the Bill if he can yet see his way to accept this amendment."

*The Bengal Village Self Government Bill, 1919.**The President.*

A division was then taken with the following result :—

<i>Ayes—15.</i>	<i>Noes—27.</i>
The Hon'ble Sir Nilratan Sirkar, Kt.	The Hon'ble Sir Henry Wheeler, K.C.I.E., C.S.I.
" Raja Hrishikesh Laha, C.I.E.	" Mr. J. G. Cumming, C.S.I., C.I.E.
" Mr. Provash Chunder Mitter, C.I.E.	" Sir Bijay Chand Mahtab, K.C.S.I., K.C.I.E., I.O.M., Maharajadhiraja Bahadur of Burdwan.
" Babu Siva Narayan Mukharji.	" Mr. J. H. Kerr, C.S.I., C.I.E.
" Kumar Shib Shekhareswar Ray.	" Mr. C. J. Stevenson-Moore, C.V.O.
" Mr. Arun Chandra Singha.	" Mr. F. C. French, C.S.I.
" Sir Deba Prasad Sarbadhikari, Kt., C.I.E.	" Mr. J. Donald, C.I.M.
" Rai Debender Chunder Ghose Bahadur.	" Mr. L. S. S. O'Malley, C.I.E.
" Rai Radha Charan Pal Bahadur.	" Mr. H. P. Duval.
" Maulvi Abul Kasem.	" Mr. M. C. McAlpin.
" Baba Bhabendra Chandra Ray.	" Mr. F. A. A. Cowley.
" Babu Akhil Chandra Datta.	" Col. J. K. Close, M.D., I.M.S.
" Rai Mahendra Chandra Mitra Bahadur.	" Mr. W. C. Wordsworth.
" Babu Kishori Mohan Chaudhuri.	" Mr. C. F. Payne.
" Babu Ambika Charan Masumdar.	" Mr. S. G. Hart.
	" Khan Bahadur Maulvi Aminul Islam.
	" Sir Rajendra Nath Mookharji, K.C.I.E.
	" Mr. R. V. Mansell, O.B.E.
	" Mr. W. H. H. Arden Wood, C.I.E.
	" Mr. Aminur Rahaman.
	" Mr. L. V. N. Meares.
	" Mr. W. E. Crum, O.B.E.
	" " W. H. Phelps.
	" " G. A. Bayley.
	" Dr. Abdulla-al-Mamun Subrawardy.
	" Khan Sahib Aman Ali.
	" Babu Mahendra Nath Ray, C.I.E.

The Hon'ble Rai Sri Nath Ray Bahadur abstained from voting.

The following Members were absent :—

The Hon'ble the Nawab Bahadur of Murshidabad.

" Babu Brojendra Kishor Ray Chaudhuri.
" Mr. F. W. Carter, C.I.E., C.B.E.
" Mr. H. R. A. Irwin, C.I.E.
" Mr. M. Ashraf Ali Khan Chaudhuri.
" Maulvi A. K. Fazl-ul-Haq.
" Mr. Altaf Ali.
" Babu Surendra Nath Ray.
" Mr. K B Dutt.

The *Ayes* being 15 and the *Noes* 27, the motion was lost.

AMENDMENTS Nos. 19 and 20.

The President said :—

" Items Nos. 19 and 20 are covered by the decision already arrived at by the Council."

*The Bengal Village Self-Government Bill, 1919.**Babu Kishori Mohan Chaudhuri; Sir Henry Wheeler.*

The following motions were then held to be withdrawn : —

The Hon'ble Maulvi Abul Kasem to move that after the words "election or" in line 4 of sub-clause (4) of clause 4 (now clause 6) the words "in the event of failure of such second election" be inserted.

The Hon'ble Babu Kishori Mohan Chaudhuri to move that after the word "or" in line 4 of sub-clause (4) of clause 4 (now clause 6) the words "and if the electors fail again to elect the full number on the date fixed for the second election" be inserted.

AMENDMENT No. 21.

The Hon'ble Babu Kishori Mohan Chaudhuri moved—

that for the words "district magistrate" in lines 4 and 5 of sub-clause (4) of clause 4 (now clause 6) the following words be substituted, namely :—

"divisional commissioner out of a panel of double the requisite number to be nominated by the chairman of the district board in consultation with their vice-chairman, within a time to be fixed by the district magistrate".

He said :—

"My Lord, in this case my proposal is that instead of the power of nomination being given to the district magistrate it might be exercised by the divisional commissioner on the nomination being submitted by the chairman of the district board. As far as I remember, under the provisions of the Local Self-Government Act the power of nominating the members of the union committee lies with the divisional commissioner and so I have taken the parallel case of the Local Self-Government Act. I hope my amendment will be accepted."

The Hon'ble Sir Henry Wheeler said :—

"My Lord, I put it to the Council that we are in some danger of making a mountain out of a mole-hill. What is provided in this clause? After all this clause merely says that if the right of election is given and the election fails, there may either be a second election or an appointment may be made by the district magistrate. Therefore, it is a contingency which should seldom arise, and it will always be within the power of the electors to prevent it arising by exercising their vote and electing their representatives in that way. Therefore, it is a minor point, and I submit that when the Council has just decided that it is preferable to leave ordinary appointments to the district magistrate in place of the district board, it would be rather illogical that in the case of a subsidiary contingency appointments should have to be made by this amazingly cumbersome procedure of appointment by the divisional commissioner out of a panel of double the requisite number, to be nominated by the chairman of the district board in consultation with their vice-chairman, within a time to be fixed by the district magistrate. Surely that is entirely inconsistent with what the Council has decided in connection with other amendments, and it is entirely inconsistent with the object of this clause itself. I therefore oppose this amendment."

The Hon'ble Babu Kishori Mohan Chaudhuri said :—

"I have already submitted what I had to say and I am not very particular about it."

The motion was then put and lost.

*The Bengal Village Self-Government Bill, 1919.**Maulvi Abul Kasem ; Sir Henry Wheeler ; Rai Radha Charan Pal Bahadur.***AMENDMENT No. 22.**

The following amendment was held to be covered by the decision arrived at on amendment No. 17 and was deemed to be withdrawn :—

The Hon'ble Maulvi A. K. Fazl-ul-Haq, to move that for the word "magistrate" in line 5 of sub-clause (4) of clause 4 (now clause 6) the word "board" be substituted,

AMENDMENT No. 23.

The Hon'ble Maulvi Abul Kasem, in the absence of the Hon'ble Maulvi A. K. Fazl-ul-Haq, moved that sub-clause 1 (i), 1 (ii) and 1 (iii) of clause 5 (now clause 7) be omitted.

He said :—

"My Lord, this is an amendment of which notice was given by my hon'ble friend, Maulvi Fazl-ul-Haq, and I am extremely sorry that he could not attend the Council to-day. He is very keen on this. The object of this amendment is to give every man, resident within the union, a vote, universal suffrage as it is called. We want that at least in the election for a membership of a union board, every man ought to have a vote, whether he pays any tax or not, and the Bill provides that any one paying Re. 1 as chaukidari tax or cese, should be entitled to vote, but under the Local Self-Government Act, the qualification for a voter on a local board election is the same, and I, therefore, submit that in forming union boards, which are purely rural boards, at least every man ought to have a vote. I do not think there will be any objection on the part of the Hon'ble Member or of the House to accept this amendment."

The Hon'ble Sir Henry Wheeler said :—

"My Lord, my objection to this amendment is, briefly, that in the blessed name of democracy it is going too far. It is, in effect, proposing universal suffrage, as the Hon'ble Member says, since it seeks to eliminate the three clauses in which we define what the franchise for these union boards should be. What is the existing position? We are concerned with two bodies—the village chaukidari panchayet and the local self-government union. At present the village panchayet is practically invariably nominated and not elected at all; therefore we have no experience of how elected members will exercise functions concerning chaukidars. In the case of the local self-government unions, there is a tax-paying franchise which, is not so broad or simple as that which we have in the Bill, which, therefore, is already taking a step in advance, both in respect of the chaukidari panchayets and the self-government unions. I put it to the Council that that progress is sufficiently rapid, and that we should not do wisely now to take a dive into the unexplored sea of one man one vote."

The Hon'ble Rai Radha Charan Pal Bahadur said :—

"My Lord, the Hon'ble Member very confidently urged the motion which he brought on behalf of the Hon'ble Maulvi Fazl-ul-Haq, but I am afraid he overlooked his friends on his right, and he perhaps might have considered whether the amendment which has been moved, would be acceptable to this side of the House. To my mind, it appears that it is democracy run riot. I do not know whether my hon'ble friend is in earnest in proposing that every man in the street should have a vote for returning members to the union board, irrespective of any qualifications, and irrespective of any responsibility. We have not yet come to that state of things and I think it is dangerous to accept this motion even if the Government were prepared to accept it which they would not, as they have not yet been so democratized. I think it my duty to express my views on this matter."

The Hon'ble Maulvi Abul Kasem said :—

"My Lord, I am sorry that the amendment which I moved has neither been accepted by the Hon'ble Member in charge nor by my hon'ble friend

*The Bengal Village Self-Government Bill, 1919.**Maulvi Abdul Kasem.*

Rai Radha Charan Pal Bahadur. On the other hand, there has been some opposition from the right side of the House, but I do not think by moving this amendment anybody might think that I intended to make democracy run riot. What was intended is that in the village union there should be universal suffrage. I did not ask for that suffrage for district boards and municipalities. The day is not very distant when it is proposed to give a broad franchise to a large number of people, electing members to the legislative councils, and I do not see what objection there can be in the case of union boards now. The Hon'ble Rai Radha Charan Pal Bahadur has said that it is intended to give every man in the street a vote, but those who live in villages and have a stake in villages, quite well understand what is in their own interest and I do not think it will be doing any harm to anybody by giving every man a vote there. I am sorry I have to press this amendment to the vote."

A division was taken with the following result :—

<i>Ayes—5.</i>		<i>Noes—35.</i>	
The Hon'ble	Sir Nilratan Sarker, K.T.	The Hon'ble	Sir Henry Wheeler, K.C.I.E.
" "	Dr. Abdulla-al-Mamun Sub- rawardy.	" "	C.S.I.
" "	Maulvi Abul Kasem.	" "	J. G. Cumming, C.S.I., C.I.E.
" "	Khan Sahib Aman Ali.	" "	Sir Bijay Chand Mahtab, K.C.S.I., K.C.I.E., I.O.M., Maharajadhiraja Bahadur of Burdwan.
" "	Babu Kishori Mohan Chatter- dhuri.	" "	Mr. J. H. Kerr, C.S.I., C.I.E.
		" "	Mr. C. J. Stevenson-Moore, C.V.O.
		" "	Mr. F. C. French, C.S.I.
		" "	Mr. J. Donald, C.I.E.
		" "	Mr. L. S. S. O'Malley, C.I.E.
		" "	Mr. H. P. Duval.
		" "	Mr. M. C. McAlpin.
		" "	Mr. F. A. A. Cowley.
		" "	Col. J. K. Close, M.D., I.M.S.
		" "	Mr. W. C. Wordsworth.
		" "	Mr. C. F. Payne.
		" "	Mr. S. G. Hart.
		" "	Khan Bahadur Maulvi Amin- ul Islam.
		" "	Sir Rajendra Nath Mookerjee, K.C.I.E.
		" "	Mr. R. V. Mansell, O.B.E.
		" "	Mr. W. H. H. Arden-Wood, C.I.E.
		" "	Mr. Aminur Rahman.
		" "	Raja Harishikesh Laha, C.I.E.
		" "	Mr. L. V. N. Meares.
		" "	Mr. Provash Chunder Mitter, C.I.E.
		" "	Babu Siv Narayan Mukharji.
		" "	Kumar Shib Shekhareswar Ray.
		" "	Mr. Arun Chandra Singha.
		" "	Sir Deba Prasad Sarbadhikari, K.T., C.I.E.
		" "	Rai Debender Chunder Ghose Bahadur.
		" "	Rai Radha Charan Pal Baha- dur.
		" "	Mr. W. E. Crum, O.B.E.
		" "	Mr. W. H. Phelps.
		" "	Mr. G. A. Bayley.
		" "	Rai Sri Nath Ray Bahadur.
		" "	Babu Mahendra Nath Ray, C.I.E.
		" "	Babu Ambika Charan Ma- zumdar.

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The following Members abstained from voting :—

The Hon'ble Babu Bhabendra Chandra Ray.
" " Babu Akhil Chandra Datta.
" " Rai Mahendra Chandra Mitra Bahadur.

The following Members were absent :—

The Hon'ble the Nawab Bahadur of Murshidabad.
" " Babu Brojendra Kishor Ray Chaudhuri.
" " Mr. F. W. Carter, C.I.E., C.B.E.
" " Mr. H. R. A. Irwin, C.I.E.
" " Mr. M. Ashraf Ali Khan Chaudhuri.
" " Maulvi A. K. Fazl-ul-Haq.
" " Mr. Altaf Ali.
" " Babu Surendra Nath Ray.
" " Mr. K. B. Dutt.

The *Ayes* being 5 and the *Noes* 35, the motion was lost.

AMENDMENTS Nos. 24, 25 AND 26.

The Hon'ble Babu Ambika Charan Mazumdar moved that for the words "one rupee" wherever they occur in clause 5 (now clause 7), the words "eight annas" be substituted.

He said :

"This amendment refers to clause 5 (now clause 7) which lays down qualifications of voters and members of union boards. It has been laid down in this clause that the pecuniary qualification of a voter shall be the payment of not less than one rupee as road cess. This also applies to a member of a joint family. I propose that for the words 'one rupee' wherever they occur the words 'eight annas' shall be substituted. I will state certain facts to substantiate my proposition. Hon'ble Members will remember that not long ago a very valuable statement was published by the Government of Bengal with a view to assist the Reforms Committee showing the number of persons who paid one rupee as road cess, two rupees as road cess, and so on. Referring to that statement I find that in a district consisting of 21 lakhs of persons we have barely 50,000 people who pay one rupee as road cess. Now, my Lord, if out of 21 lakhs only 50,000 pay one rupee road cess then we get only a fortieth part of the people registrable for votes. Take, for instance, a union board to be constituted under the present enactment. A union board may consist of a population of 16,000 persons and in that case you have not more than 400 person qualified to vote under this clause. I ask, would that be a sufficient or adequate representation? And from this number too the minors and others are to be excluded. That is a point to be considered. Therefore, I have proposed eight annas instead of one rupee. There is another ground too which I would press for the consideration of the Council and that is this : in local boards you have the one rupee qualification and I think it stands to reason that the qualification if the union boards voters should be somewhat different from that of the local board members. As a matter of fact I believe that in case of chaukidari tax people are taxed only four annas or six annas. So my suggestion if accepted, would eliminate those persons. And it will not inconveniently swell the number of voters. There is another consideration still under the Road Cess Act—a tenant pays two pice per bigha. And if you insist on the one-rupee qualification then a man must have

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at least 32 bighas of land in order to qualify himself as a voter under this clause. I think it is too high a figure. There are not many persons who have got 32 bighas of land. In fact, 16 bighas will be quite enough. For all these considerations I suggest that 'eight annas' may be substituted for 'one rupee'."

The Hon'ble Mr. P. C. Mitter said:—

"My Lord, I have great pleasure in supporting this motion. The recent figures which were published relating to the franchise for the Council show that little over one million will be the total number of voters on the basis of Re. 1 cess for the whole province. Now, my Lord, only 12 millions is our adult male population, that is to say, only one man in 12 will be entitled to vote for the Council election. Now, if we take a village of 1,000 population, that is, accepting the figure which was published by the Government for the Council election, we find by a simple process of arithmetic, out of 1,000 men, 37 will be voters. That, I submit, my Lord will not be desirable, and I venture to think that eight annas, perhaps a lower sum, should be the proper minimum for voting in village union boards."

The Hon'ble Maulvi Abul Kasem said:—

"My Lord, I also gave notice of an amendment which was indential with that of the Hon'ble Babu Ambika Charan Mazumdar, but I find from the list of business that Babu Akhil Chandra Datta has given notice of an amendment in which he wants it to be changed to six annas. The general impression seems to be that expressed by the Hon'ble Mr. Mitter, that is, that a lower rate should be accepted. I think, my Lord, that these two amendments should be taken together and that Babu Akhil Chandra Datta's amendment should be put first."

The President said:—

"If it would assist to take the two amendments together, I have no objection to the discussion taking place on the amendments now; the amendments, of course, will be put separately."

Amendment No. 26 was then held to be moved and was as follows:—

"That for the words "one rupee", wherever they occur in sub-clause (1) of clause 5 (now clause 7), the words "six annas" be substituted."

The Hon'ble Maulvi Abul Kasem said:—

"My Lord, I have only to say this: as I have already explained the number of voters will be very limited if you put it at Re. 1. If you are not prepared to give universal suffrage—one man, one vote—we should at least give the vote to an appreciable number of people; therefore I would personally submit, my Lord, that six annas should be the minimum qualification for a man to empower him to vote at an election of the union board, and I hope that this will be accepted by the Council."

The Hon'ble Sir Henry Wheeler said:—

"My Lord, this amendment does not go so far as Amendment No. 23, which we have just been discussing, but it goes in the same direction, viz., that of placing on the electoral roll more voters than would be the case under the scheme of the Bill. The scheme of the Bill contemplates a Re. 1 cess qualification, not a Re. 1 road cess qualification, and the suggestion is that it should be an eight annas cess qualification. In framing the Bill we had regard to the existing state of affairs, which, as I have already mentioned, on the chaukidari side gave us no."

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precedent, or practically no precedent, for election at all, and on the local self-government side gave us the precedent only of a Re. 1 road cess qualification, and we thought that it would be going sufficiently far to take a Re. 1 cess qualification which is less,—in fact half—of the existing local self-government franchise, and therefore meets the point of the Hon'ble Babu Ambika Charan Mazumdar when he argues that it is only reasonable that there should be a lower voting qualification for these village bodies than there is for local boards. The qualification will be lower—it will be a rupee cess in place of a rupee road cess—in other words, half.

Well, as I have said, we thought that that was a sufficient step in advance, and there are practical reasons for not attempting to place the franchise too low, one of which is that the lower it is put, the more the preparation of the electoral roll is complicated, and in these elections (the same is true of the impending change of system of Council electorates) it will be a very serious practical difficulty to get the electoral rolls prepared and brought up to date. Another practical reason for not attempting to go still lower is that clause 5 (I) (i) now clause 7 (I) (i) only defines the preliminary qualification, when a union board has first to be created. Once the union board is in being voters will for the most part be qualified under sub-clause (ii), in other words by the payment of Re. 1 union rate. On that basis it will be easier to maintain the roll as the taxation papers will be in the union, and it will be easy enough to pick out those who pay a rupee. So that will be the working qualification in all elections subsequent to the first, and I put it to the Council that that is a sufficiently low qualification, especially in a country where the electoral system is new and the effect of a democratic franchise has yet to be seen. A one-rupee payment of the union rate means a payment of a little over one anna a month, and can that be said to be limiting the franchise to the well-to-do to the exclusion of the poor? For that reason I would deprecate the alteration of the franchise as inserted in the Bill. It will bring in the substantial raiyat and, in fact, will bring in anybody of responsible standing in the village."

The Hon'ble Sir Deba Prasad Sarbadhikari said :—

"Sir, there is serious practical difficulty in the way of our making up our minds whether we should vote for the one rupee or the eight annas limit, and I had hoped that Sir Henry Wheeler would be good enough to give us some facts on which we could make up our minds. We have been told that under the one rupee limit there will be only 50,000 voters out of 20 lakhs and I should like to know what the proportionate increase would be in the number of voters if the amount were reduced to eight annas. This would help many members in making up their minds. The great difficulty in our way is that we do not yet know what the Reform Scheme is going to be based upon. This legislation has been undertaken in spite of protest in some quarters before we know exactly how matters stand in that direction. Suppose it turns out that the Reform Scheme proceeds on the one-rupee basis for the Legislative Council; then it would be a serious anomaly if the same amount was to be fixed for union boards. Having regard to these difficulties, perhaps it would be well for the time being to accept the lower rate and see how things go on. On the other hand, one does realize the practical difficulties which Sir Henry Wheeler has referred to. However, when it is a question of more than doubt it would be safer to take the lower limit, particularly as it is not demonstrated that the acceptance of the lower limit would necessarily double the number of voters or make it very formidable. Some Hon'ble Member was comparing the report of the Universities Commission with that of the Reforms Committee, the latter took 3 months, whereas the Universities Commission took 18 months in the matter of arriving at a

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quick decision. If the decision was quicker, so far as the Franchise Committee was concerned, we would have known where we stand and might have accepted the higher qualification."

The Hon'ble Sir Henry Wheeler said :—

"Sir, may I refer to the remarks which have fallen from the Hon'ble Sir Deba Prasad Sarbadhikari. They would rather lead to the inference that if Government have not got figures on an eight-anna basis which can be put before the Council, it has been rather guilty of a dereliction of duty."

The Hon'ble Sir Deba Prasad Sarbadhikari said :—

"Sir, I beg the Hon'ble Member's pardon, I did not make any such imputation."

The Hon'ble Sir Henry Wheeler said :—

"In any case it might be inferred. May I explain in this connection that the collection of figures which we published at the time of the visit of Lord Southborough and his committee to Calcutta, took our officers about six months to compile. It is therefore obvious that it would have been impossible, in the time at our disposal, to have taken in hand a second compilation of figures on an eight-anna basis for the purpose of this amendment."

The President said :—

"As we are taking the discussion on items 24, 25 and 26 together, the Hon'ble Babu Akhil Chandra Datta may like to make his speech now."

The Hon'ble Babu Akhil Chandra Datta said :—

"My Lord, the point has been discussed on both sides, and I do not think I can add anything profitable, but at the same time I do press for your Excellency's acceptance of my amendment No. 26, which is for a six-anna basis."

The Hon'ble Babu Ambika Charan Mazumdar said :—

"My Lord, Sir Henry Wheeler has no doubt pointed out that in the Local Self-Government Act the qualification is payment of one rupee as road cess, and here we have got the payment of cess as one rupee. But it seems to me that even with that distinction, the amendment which I have moved does not lose its force. As was pointed out by the Hon'ble Sir Deba Prasad Sarbadhikari a lower qualification would not be so harmful as a higher one, which might make the representation quite inadequate and Sir Deba Prasad was anxious to know what would be the number of voters if eight annas were substituted. Although we have not got those figures, I think we can deduce it from the figures given in the official statement published some months back.

There I have shown that if a union consists of three or four villages with an aggregate population of 16,000 then under one rupee it would be Rs. 400, but supposing it were half the rate, namely, not one rupee but eight annas, then it would be 800. Would 800 or even 1000 be an adequate representation of 16,000 population—that is my point. So that whatever view you take, I think annas eight ought not to be considered as too low a qualification, and I think if we want to extend the franchise to a reasonable extent among the village population, we should strive to have at least 1,000 people in a union of a population of 15,000 or 16,000 to vote for the election. Under these circumstances I hope that the Government might be induced to accept annas eight for one rupee."

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"I might put amendment No. 26 first so that the Hon'ble Members may have a chance of recording their opinion on it if they wish to do so, and then if No. 26 is not carried I will put No. 24 afterwards."

Amendment No. 26 was then put and a division was taken with the following result :—

Ayes—10.

The Hon'ble Sir Nilratan Sarkar, Kt. .
 " Mr. Provash Chunder Mitter,
 " C.I.E.
 " Dr. Abdulla-al-Mamun Suhra-
 wardy.
 " Maulvi Abul Kasem.
 " Khan Sahib Aman Ali.
 " Babu Akhil Chandra Datta.
 " Rai Mahendra Chandra Mitra
 Bahadur.
 " Babu Mahendra Nath Ray,
 " C.I.E.
 " Babu Kishori Mohan Chau-
 dhuri.
 " Babu Ambika Charan Mazum-
 dar.

Noes—30.

The Hon'ble Sir Henry Wheeler, K.C.I.E.,
 C.S.I.
 " Mr. J. G. Cumming, C.S.I., C.I.E.
 " Sir Bijay Chand Mahtab, K.C.S.I.,
 K.C.I.E., I.O.M., Maharajadhi-
 raja Bahadur of Burdwan.
 " Mr. J. H. Kerr, C.S.I., C.I.E.
 " Mr. C. J. Stevenson-Moore,
 C.V.O.
 " Mr. F. C. French, C.S.I.
 " Mr. J. Donald, C.I.E.
 " Mr. L. S. S. O'Malley, C.I.E.
 " Mr. H. P. Duval.
 " Mr. M. C. McAlpin.
 " Mr. F. A. A. Cowley.
 " Col. J. K. Close, M.D., I.M.S.
 " Mr. W. C. Wordsworth.
 " Mr. C. F. Payne.
 " Mr. S. G. Hart.
 " Khan Bahadur Maulvi Amin-ul-
 Islam.
 " Sir Rajendra Nath Mookerjee,
 K.C.I.E.
 " Mr. R. V. Mansell, O.B.E.
 " Mr. W. H. H. Arden-Wood,
 C.I.E.
 " Mr. Aminur Rahman.
 " Raja Hrishikesh Laha, C.I.E.
 " Mr. L. V. N. Meares.
 " Babu Siv Narayan Mukharji.
 " Kumar Shib Shekharswar Ray.
 " Mr. Arun Chandra Singha.
 " Sir Deba Prasad Sarbadhikari,
 Kt., C.I.E.
 " Rai Radha Charan Pal Bahadur
 " Mr. W. E. Crum, O.B.E.
 " Mr. W. H. Phelps.
 " Mr. G. A. Bayley.

The following members abstained from voting :—

The Hon'ble Rai Debender Chunder Ghose Bahadur.
 " Babu Bhabendra Chandra Ray.
 " Rai Sri Nath Ray Bahadur.

The following members were absent :—

• The Hon'ble the Nawab Bahadur of Murshidabad.
 " Babu Brojendra Kishor Ray Chaudhuri.
 " Mr. F. W. Carter, C.I.E., C.B.E.
 " Mr. H. R. A. Irwin, C.I.E.
 " Mr. M. Ashraf Ali Khan Chaudhuri.
 " Maulvi A. K. Fazl-ul-Haq.
 " Mr. Altaf Ali.
 " Babu Surendra Nath Ray.
 " Mr. K. B. Dutt.

The Ayes being 10 and the Noes 30, the motion was lost.

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A division was then taken on motion No. 24 with the following result:—

Ayes—15.

The Hon'ble Sir Nilratan Sarker, K.T.
 " Mr. Aminur Rahaman.
 " Mr. Provash Chunder Mitter, C.I.E.
 " Mr. Arun Chandra Singha.
 " Sir Deba Prasad Sarbadhikari, K.T., C.I.E.
 " Rai Debender Chunder Ghose Bahadur.
 " Mr. W. H. Phelps.
 " Dr. Abdulla-al-Mamun Suhrawardy.
 " Maulvi Abul Kasem.
 " Khan Sahib Aman Ali.
 " Babu Akhil Chandra Datta.
 " Rai Mahendra Chandra Mitra Bahadur.
 " Babu Mahendra Nath Roy, C.I.E.
 " Babu Kishori Mohan Chaudhuri.
 " Babu Ambika Charan Mazumdar.

Noes—26.

The Hon'ble Sir Henry Wheeler, K.O.I.E., C.S.I.
 " Mr. J. G. Cumming, C.S.I. C.I.E.
 " Sir Bijay Chand Mahtab K.C.S.I., K.C.I.E., I.O.M. Maharajadhiraja Bahadur of Burdwan.
 " Mr. J. H. Kerr, C.S.I., C.I.E.
 " Mr. C. J. Stevenson-Moore, C.V.O.
 " Mr. F. C. French, C.S.I.
 " Mr. J. Donald, C.I.E.
 " Mr. L. S. S. O'Malley, C.I.E.
 " Mr. H. P. Duval.
 " Mr. M. C. McAlpin.
 " Mr. F. A. A. Cowley.
 " Col. J. K. Close, M.D., I.M.S.
 " Mr. W. C. Wordsworth,
 " Mr. C. F. Payne.
 " Mr. S. G. Hart.
 " Khan Bahadur Maulvi Aminul Islam.
 " Sir Rajendra Nath Mookerjee, K.C.I.E.
 " Mr. R. V. Mansell, O.B.E.
 " Mr. W. H. H. Arden-Wood, C.I.E.
 " Raja Hrishikesh Laha, C.I.E.
 " Mr. L. V. N. Meares.
 " Babu Shiv Narayan Mukherji.
 " Kumar Shib Shekharewar Ray.
 " Rai Radha Charan Pal Bahadur.
 " Mr. W. E. Crum, O.B.E.
 " Mr. G. A. Bayley.

The following members abstained from voting:—

The Hon'ble Babu Bhabendra Chandra Ray.
 " " Rai Srinath Roy Bahadur.

The following members were absent:—

The Hon'ble the Nawab Bahadur of Murshidabad.
 " Babu Brojendra Kishor Ray Chaudhuri.
 " Mr. F. W. Carter, C.I.E., C.B.E.
 " Mr. H. R. A. Irwin, C.I.E.
 " Mr. M. Ashraf Ali Khan Chaudhuri,
 " Maulvi A. K. Fazl-ul-Haq.
 " Mr. Altaf Ali.
 " Babu Surendra Nath Ray.
 " Mr. K. B. Dutt.

The Ayes being 15 and the Noes 26, the motion was lost.

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The following motion was then deemed to be withdrawn.

The Hon'ble Maulvi Abul Kasem to move that for the words "one rupee" wherever they occur in clause 5 (now clause 7), the words "eight annas" be substituted.

AMENDMENT No. 27.

The Hon'ble Babu Akhil Chandra Datta moved that the word "male" in line 1 of sub-clause (1) of clause 5 (now clause 7) be omitted.

He said :

"My Lord, I shall propose to give my reasons in the words of the District and Sessions Judge of Mymensingh: 'Some well-to-do ladies will otherwise be excluded. Many women of all classes will be tax-payers. Some female voters would be more educated than some male ones, while no female vote would be less educated than some male ones'."

The Hon'ble Sir Henry Wheeler said :—

"My Lord, we have already had one amendment dealing with universal suffrage, and in order to be thoroughly fashionable and up-to-date we now have an amendment dealing with female suffrage. The question of female suffrage has loomed very large recently in the annals of the West. It has led to a good deal of disturbance and to a certain amount of window-breaking and policeman-hitting and various other unfeminine ac's, but the vote has recently been conceded to women as one of the changes brought about by the war. Personally, I think that in the circumstances of the West the wisest course has been taken. But as matters stand at present in the East things have not yet arrived at a point—I purposely do not say *advanced* to a point—at which it would be well to put this change in a Bill of this kind. In fact, another amendment, which stands in the name of the same Hon'ble Member, supplies an effective answer to his proposition, namely, No. 36, which says: 'provided also that all female voters shall be entitled to vote through their agents holding powers of attorney.' If, Sir, circumstances are such that it will be impossible for many ladies, under the social usages governing them, to record their votes in person, there exist practical and valid objections which merit the consideration of this Council before adopting a proposal of this kind."

The Hon'ble Rai Radha Charan Pal Bahadur said :—

"My Lord, I must publicly acknowledge my sense of gratitude to my hon'ble friend, Babu Akhil Chandra Datta, and my admiration for his chivalry in moving this amendment. I do not know, my Lord, what arrangement he has in view to suggest to Government to provide for the voting of *pardahnashin* ladies. I do not know whether he really intends to press the amendment which stands in his name, and if he does, what arrangements he proposes to make for the recording of votes of *pardahnashin* ladies. I do not know and I should like to be enlightened—whether voting is to be by person or proxy. If it is to be by person, I do not think there will be any advantage in accepting this amendment, because not even one per cent. of the *pardahnashin* ladies who are entitled to vote would come forward to the polling station to record their votes.

There is another point: I do not know, although we are all crying for reforms in every direction and we are all anxious that reforms should be introduced not only in the legislature but also in the executive and administrative bodies, whether we have yet come to that stage of education even among the

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male population in this country that franchise should be extended to female population. I believe, my hon'ble friend will pardon me if I say that it will be simply ludicrous."

The Hon'ble Rai Debender Chunder Ghose Bahadur said :—

"My Lord, I had not intended to speak on this amendment, but certain observations of my hon'ble friend, Rai Radha Charan Pal Bahadur, lead me to say something. There are no doubt practical difficulties in the way of *pardanashin* ladies otherwise qualified, but it ought to be borne in mind that we are legislating not only for the stronger sex but for the weaker sex as well, and it seems to me to put a bar upon the weaker sex—depriving them of the franchise in the formation of these union boards is going rather too far. Some may avail themselves of the permission if you choose to give the permission. If you choose to do away with the bar against the female sex that stands in the Bill, there may be ladies who might be willing to record their votes at the election. Why put a bar against them? I may mention that in the Presidency of Bombay and in the United Provinces there is no distinction of sex as regards voters, and ladies are equally entitled to vote in municipal elections as gentlemen. That being so, I think we might be a little fair to the weaker sex if we take away the present embargo. I may be permitted to mention one thing. In connection with the pending Calcutta Municipal Bill the Corporation has passed a resolution suggesting an improvement in the matter of voting powers. They have recommended that the distinction of sex in voting qualifications should be taken away as regards the City of Calcutta. I am merely mentioning these facts with a view to show that it would do no harm if you take away the distinction in the matter of election to the union boards."

The Hon'ble Babu Akhil Chandra Datta said :—

"My Lord, this is a point upon which arguments can reasonably be advanced on both sides. Although female education in this country has not advanced so far as to justify us in giving this franchise to the female, but in all fairness it may be pointed out that there are some lady zamindars who are more educated and otherwise more capable than, possibly in some cases, the rest of the villagers. They can reasonably complain and say why should not they have any right of franchise, especially when they are the proprietress of their estates and property in the absence of male proprietors. There are widow zamindars, for instance. So in these cases there may be some hardship. As regards the arrangement for the recording of votes of *pardanashin* ladies, who would not come forward to give their votes by person I have suggested an agency in my amendment No. 36 where it is said that all female voters shall be entitled to vote through their agents holding powers of attorney. Besides the very fact we give them the right of franchise, it does not follow that they are bound to vote. It is quite optional to them to vote or not—they may exercise their right or not. I have been asked by the Hon'ble Rai Radha Charan Pal Bahadur to express my real wish with regard to this motion. My real position is simply this: I am not absolutely keen on this matter, but at the same time I find that there are some people who want that the females should vote and I find that their opinion is held in some responsible quarters, such as the District and Sessions Judge of Mymensingh. I, therefore, thought it only proper that the matter should be brought up for the consideration of the Council. I am not myself extremely keen about it."

The motion was then put and lost.

AMENDMENT No. 28.

The Hon'ble Babu Akhil Chandra Datta moved that after the word "residence" in line 2 of sub-clause (1) of clause 5 (now clause 7) the words "or business" be inserted.

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He said :

Now, my Lord, I need not say much on this point. I had in view the case of those persons who have a place of business in a certain village or within the jurisdiction of a certain union board, at the same time they may not have a place of residence there. This is a class of case in which I think there may be some hardship unless the words 'or business' be inserted after the word 'residence'."

The Honble Sir Henry Wheeler said :—

"My Lord, this is a small amendment and in answer to it I may merely explain the motives which actuated the Select Committee. The main principle upon which we proceeded was that the electors for these union boards should be people who are living in the villages and having a real genuine interest in the proper conduct of their affairs. The Council will remember that in the Bill, as we first amended it, we proposed to give the vote to persons resident within the union, and we defined what we meant by saying that 'resident' meant 'ordinarily resident', i. e., people who habitually live in the union and do not merely visit it at intervals. However, when we re-examined the Bill, judging by the amendments of which notice had been given, we found that there was a certain amount of opinion that the clause was too restrictive, since there might be people who might not be residents in the sense defined, but who, having places of residence within the union, might be deeply interested in its affairs. Therefore, recognizing that feeling, we altered the phrase to what it now is, i. e., *having a place of residence*. We enlarged it, therefore, in the sense of what seemed to be the feeling of the Council. Now, the Hon'ble Member asks that we should insert the words 'or business'. I would deprecate the change, although it is a small one, as ordinarily a man who possesses a place of business of any moment will have residing at it a *gomastha* or a servant who will be able to exercise the vote. There may again be cases of temporary businesses which might give rise to complications, such as the shop-keeper who comes once a week to the *hât* and puts up his shop or stall under a tree. It might be said that as he had a place of business he was entitled to vote, as presumably he would be if he also paid the minimum taxation laid down. But I do not think it would be very desirable to give him a vote. Therefore, for these reasons, and also on the ground that it is wider than the existing rule governing elections to the local self-government unions, which requires a voter to be 'resident' in the sense of our original Bill, I would prefer not to accept the amendment."

The Hon'ble Rai Radha Charan Pal Bahadur said :—

"My Lord, I support this amendment which has been moved by my hon'ble friend, Babu Akhil Chandra Datta. I do not know why a simple amendment like this is not accepted by Government. It is only the addition of the words 'or business' after the word 'residence'. A man who has got a place of business and who also pays one rupee cess, I think, may very fairly claim the right of voting in that area because he has at least some interest in the area as regards conservancy, water supply and other matters for which the union board will be responsible. I think in this matter at least we will have the support of the non-official European members. In the Calcutta Municipality as well as in the mufassal municipalities the legislature makes provision for a place of business in certain areas, and why should the right of voting be now denied to those who have places of business within the union area. They are equally interested in the sanitation and improvement of that area, and I think it is reasonable and fair that they the right and voice in selecting a representative should have a voice on the board. Further, it has been stated, and which has not been controverted

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by facts and figures, that the number of voters is very limited even if you prescribe 8 annas which has been rejected as the minimum rate. I think the people who have a place of business will not add very greatly to the list of voters, and I think in these days of enlarged franchise we ought to extend the power of voting to persons who have a place of business, and it is to be remembered, not merely to persons who have a place of business but who pay cess not less than one rupee."

The Hon'ble Babu Akhil Chandra Datta said :—

"My Lord, there is one class of people in this country whose interest was really intended to be safeguarded by this amendment. In most parts of the country there are people who come and do their business in boats. For instance, there is a big bazar in the district of Mymensingh, namely, Bhairab, where a large number of men carry on business and they are interested in the regulation of traffic and many other questions which will have to be decided by the union boards. They are very wealthy people doing business who have a place of business there but who have not a place of residence. It is only fair to these people that they should have the right to vote."

A division was then taken with the following result :—

Ayes—17.

The Hon'ble Sir Nilratan Sarkar, K.T.

" Raja Hrishikesh Laha, C.I.E.

" Mr. Provash Chunder Mitter, C.I.E.

" Kumar Shib Shekharewar Ray.

" Mr. Arun Chandra Singha.

" Sir Deba Prasad Sarbadhikari, K.T., C.I.E.

" Rai Radha Charan Pal Bahadur.

" Mr. W. H. Phelps.

" Dr. Abdulla-al-Mamun Suhrawardy.

" Maulvi Abul Kasem.

" Khan Sahib Aman Ali.

" Babu Rhabendra Chandra Ray.

" Babu Akhil Chandra Datta.

" Rai Mahendra Chandra Mitra Bahadur.

" Babu Kishori Mohan Chaudhuri.

" Babu Ambika Charan Mazumdar.

" Rai Debender Chunder Ghose Bahadur.

Noes—26.

The Hon'ble Sir Henry Wheeler, K.C.I.E., C.S.I.

" Mr. J. G. Cumming, C.S.I., C.I.E.

" Sir Bijay Chand Mahtab, K.C.S.I., K.C.I.E., I.O.M., Maharajadhiraja Bahadur of Burdwan.

" Mr. J. H. Kerr, C.S.I., C.I.E.

" C. J. Stevenson-Moore, C.V.O.

" Mr. F. O. French, C.S.I.

" Mr. J. Donald, C.I.E.

" Mr. L. S. S. O'Malley, C.I.E.

" Mr. H. P. Duval.

" Mr. M. C. McAlpin.

" Mr. F. A. A. Cowley.

" Colonel J. K. Close, M.D., I.M.S.

" Mr. W. C. Wordsworth.

" Mr. C. F. Payne.

" Mr. S. G. Hart.

" Khan Bahadur Maulvi Aminul Islam.

" Sir Rajendra Nath Mookerjee, K.C.I.E.

" Mr. R. V. Mansell, O.B.E.

" Mr. W. H. H. Arden-Wood C.I.E.

" Mr. Aminur Rahman.

" Mr. L. V. N. Meares.

" Babu Siv Narayan Mukharjee,

" Mr. W. E. Cram, O.B.E.

" Mr. G. A. Bayley.

" Rai Sri Nath Ray Bahadur.

" Babu Mahendra Nath Ray, C.I.E.

*The Bengal Village Self-Government Bill, 1919.**Babu Ambika Charan Mazumdar ; Sir Henry Wheeler.*

The following members were absent :—

The Hon'ble Nawab Bahadur of Murshidabad.

" Babu Brojendra Kishor Ray Chaudhuri.

" Mr. F. W. Carter, C.I.E., C.B.E.

" Mr. H. R. A. Irwin, C.I.E.

" Mr. M. Ashraf Ali Khan Chaudhuri.

" Maulvi A. K. Fazl-ul-Haq.

" Mr. Altaf Ali.

" Babu Surendra Nath Ray.

" Mr. K. B. Dutt.

The Ayes being 17 and the Noes 26, the motion was lost.

At this stage the Council adjourned for lunch.

AFTER LUNCH.

AMENDMENT No. 29.

The Hon'ble Babu Ambika Charan Mazumdar moved that after sub-clause (1) (ii) of clause 5 (now clause 7) the following be inserted, namely :—

" (iii) who is a teacher in any high English, middle English or middle vernacular school within the union, or "

He said :

" My Lord, clause 5 (now clause 7) lays down the qualification of voters, but this clause does not include a very important class of people who play a very significant part in village life ; I mean the school-masters. They are the most intelligent and public spirited people in the village, and they may not even come under clause 5 (now clause 7) unless in their own capacity as teachers they are allowed to come in as voters, and I therefore propose this amendment. These people are very useful and in fact even on union boards they will play a very important part. I think they ought to be included in the list of voters. It may be that they may reside in another gentleman's house, as most of them do, and may not pay any chaukidari tax or road cess because they come from distant places, but they may reside in a village for more than ten months, and I think that they ought to be admitted to these union boards if these boards are to be successful in their operation."

The Hon'ble Sir Henry Wheeler said :—

" This amendment, Sir, is the first of six which follow, and which are all framed on somewhat similar lines, that is to say, they are all designed to add to the simple property qualification which is at present in the Bill, what I may call fancy qualifications, derived from miscellaneous tests of sorts other than the simple taxation qualification which is covered by clause 5 as it now stands. In reference to all these six amendments there are certain general considerations which I may now briefly state and which apply to all, and if I mention them now, it will avoid repetition later. In principle, all these kinds of special electorates are in a sense non-democratic, and they date, rather, from a time when a low property qualification was not in force. Even in those Acts which may be cited as authority, the precedents do not go so far as some of the amendments that have been filed in connection with this Bill, but it is true that in the franchise for local boards, one qualification is that of being a graduate or a licentiate of a University, or a holder of a certificate as a medical practitioner, or a pleader or a mukhtear. But the Local Self-Government Act was originally an Act of

*The Bengal Village Self-Government Bill, 1919.**Babu Ambika Charan Mazumdar.*

1885, and the Municipal Act, in which there is a somewhat similar qualification, was an Act of 1884. So both these precedents are old, and I do not think they are altogether appropriate to modern conditions as effecting the present Bill. There is a great advantage in having a simple qualification. We must remember that these elections will, after all, be small affairs. The union board is not a very big body, and its functions cannot be viewed as very world-wide; they are essentially local, and the whole thing will be in the hands of simple people who are to be given a certain amount of control over their own affairs. Therefore the simpler the elections can be kept the better, and a simple qualification of low taxation, such as the Bill contains, is clear and definite, and is in conformity with what is the usual franchise practice in other countries where elections prevail. The usual scheme of suffrage is that of a property qualification, which is usually higher to begin with and lowered gradually in the course of successive reforms. That is what we have done here. We had a higher property qualification in the Act of 1885, and we have made it lower here, and I think we would be ill-advised to complicate it by going back to the old system of special electorates. Neither do the precedents bear the Hon'ble Member out in his present amendment. In neither of these two Acts can I find any precedent for inserting teachers of high English or middle vernacular schools among qualified voters. Therefore the amendment is a new embroidery on the two precedents which I have cited, and after all, is it unreasonable to expect from a voter the low cess qualification which will be in force at the first election, while as I have already said, after the first election, anybody will be able to vote who pays Re. 1 a year to the union board. Again, even at the first election this cess qualification, about which we have had some discussion to-day, will not be the only one in force, as equally at the first election a Re. 1 chaukidari tax qualification will be valid, and if a teacher of one of the schools of the kind enumerated has not paid the small sum of Re. 1 as chaukidari tax in a year, I really do not think he is particularly deserving of the franchise. As a matter of fact, he is almost certain to be able to put in a claim to vote under the existing provisions, and I would deprecate, either in this case or in those that follow it, adding special qualifications which are now somewhat out of date, and which will merely complicate the franchise as designed in the Bill."

The Hon'ble Babu Ambika Charan Mazumdar said :—

"My Lord, let us not forget the actual conditions under which the villages are situated and in which we are going to give effect to this matter. In the first place, a person having an ordinary place of residence in the union will be entitled to be a member. In most villages, educated, public spirited, and competent men live away from their houses, so they do not come in. Thus, in the villages there are the school-masters of a number of middle English and vernacular schools. If you also exclude them; then who are to form the union board and discharge its functions? Very important duties are imposed under this enactment upon the union board—first, to preserve and maintain the conservancy and sanitation in the villages, secondly, to form the criminal court of the union, and thirdly, they are to administer civil law in certain classes of suits. All these require some sort of intelligence, some sort of public spirit, and some amount of sacrifice. If you exclude the teachers who ordinarily reside in the villages, I shudder to contemplate what will be the ultimate effect of this enactment. Who are to form the boards, who are to discharge these functions? and in this view I think it is the intention of Government to work out successfully this important measure to see that sufficient scope is given for the application of the Act, and for its successful working—in this view I think, whatever may be urged on the other side, the school teachers ought to come in if we at all hope to succeed in working out this measure for the benefit of the people."

The motion was then put and lost.

*The Bengal Village self Government, Bill, 1919.**Rai Mahendra Chandra Mitra Bahadur.***AMENDMENT No. 30.**

The Hon'ble Rai Mahendra Chandra Mitra Bahadur moved that after sub-clause (1) (iii) of clause 5 (now clause 7) the following be inserted, namely :—

- “ or
- (iii^a) who, during the year immediately preceding the election, has paid a license-tax in respect of a trade, calling or industry carried on within the limits of the union, or
 - (iii^b) who, during the year immediately preceding the election, has paid an income-tax, or
 - (iii^c) who has passed the middle vernacular or middle English examination, or
 - (iii^d) who has passed any title examination recognized by Government, such as the *tol* examination or the final examination of a *madrassa*, or
 - (iii^e) who has passed the entrance or matriculation or any higher examination of any University, or
 - (iii^f) who is a licentiate of any University, or holds a certificate as a pleader or mukhtear or revenue agent or a medical practitioner registered under the Bengal Medical Act, 1914, or an overseer ”.

He said :

“ My Lord, my amendment covers a wider field. It can be divided into two parts. First, I think that educational qualifications ought to be considered, and secondly, I think that those who pay income-tax or license-tax or a trade tax ought to be included in the list of voters. My Lord, I am perfectly aware of the provisions of the Bengal Local Self-Government Act. Question after question is asked in the Council regarding the election rules, and the opinion of the Advocate-General was taken on the subject, but, inasmuch as his opinion was that the provisions of section 15 were rather restricted, the view taken by some of the non-official members was not accepted. Now that we are getting a fresh legislation, on the subject, is it not necessary for the Council to consider whether all those defects which appear in the Bengal Municipal Act should be removed by this legislation. The word ‘occupy’ in section 15 of the Bengal Municipal Act was a great obstacle to allowing men possessing educational qualifications to come in, but no such defect will occur here. The question, therefore, can be summed up in this way, viz., whether those who have got educational qualifications are entitled to be included in the list of voters or not. My Lord, those who are aware of village life will agree with me that to ensure success of the provisions of the Bill, it is necessary that some intelligent men who can lead society, who can lead the cultivators, ought to come in in the union boards as well as sit in village courts. Now, the Bill prohibits the legal practitioners from working in village courts; he is not allowed to come in. If the Bill proposes that intelligent men bearing educational qualifications ought not to come in, what will be the condition of things? The Bill requires that from among the members of the union boards, benches are to be established, and consequently it is highly necessary for the interests of the cultivators who reside there that there should be some people who can form the intelligent portion of the court or bench. There should be some provision to this effect. Let us take in consideration the case of a medical practitioner. In villages there are medical practitioners who may not hold any land but practice all the same in that locality. Are we to be told that these medical practitioners are to be excluded from the scope of the Bill? Let us take another instance, the pleader who goes from one place to practise in a neighbouring court. Is he to be told that he cannot sit in the union board or on the bench? Let us take also into consideration the case of a voter who has many sons, all graduates of the Calcutta University; the Bill lays down that only one member of a joint family is to be enlisted as a voter. My Lord

*The Bengal Village Self-Government Bill, 1919.**Sir Henry Wheeler.*

injustice will be done to these persons who are graduates of the University, but who are not entitled to be members of the board or the bench. It is said that this Bill is a simple one, therefore, the cultivator who pays cess and union rates are only to be enlisted as voters. I submit in respect to that, that if the Bill comes into operation by the light of the observations contained in the Bill, the success of the village local self-government is at an end. Unless you put forward men who are capable to sit as judges in the bench and the court, as active members of the union boards, I am almost sure the cultivators, simple as they are, will not be in a position to maintain the dignity of the board or the dignity of the bench. In this view of the matter I thought that it was high time that we should come before your Excellency's Government and explain how matters are, and it is my strong impression that if this view be accepted by Government the result will be a success. Your Excellency will also consider this, that supposing the scope of the Bill is limited, then you allow those who pay cess or union rates to sit as members of the board, or to appear in the list of voters. I suppose, My Lord that your Excellency will have to import men from other quarters in order to make the bench or the court sufficiently strong. I need not reiterate my views, for proposing what have been called fancy qualifications. I do not question the character of the Bill, but I am deeply concerned with the success of the provisions of the Act, and in this view I do strongly submit to your Excellency that Your Excellency should press the Council to consider the amendment."

The Hon'ble Sir Henry Wheeler said :—

"My Lord, I have already put before the Council certain general considerations bearing on amendments of this type, and I would like them to be considered as applicable in answer to this amendment also. But, before proceeding to details, I would strongly combat the misapprehension that might be conveyed by the Hon'ble Member's speech that under the franchise in the Bill, as it now stands we are excluding the educated classes. The Hon'ble Member asks us with all seriousness what is to happen to the pleader, the mukhtear, the graduate and the medical practitioner under the franchise as we have framed it in the Bill. My answer is that the graduate, the pleader, or the medical practitioner has merely got to pay a fraction over an anna a month as a contribution to the funds of the union board in order to be a voter for it, and if, with all his high professional qualifications, he is not able to pay that infinitesimal sum, I submit that he has very small claim to our consideration. It is often alleged with reference to chaukidari assessments, that those who ought to pay do not always pay, but I cannot believe that the defects in the Chaukidari assessments are carried to such an extent that the professional classes, on whose behalf the Hon'ble Member has addressed us so eloquently, do not pay even the small sum which qualify them to be voters under the Bill. As regards the details of the proposal in the Hon'ble Member's amendment they are rather a curious mixture; he seems to have made search in various Acts and picked out some analogies for his present purpose, while, for the rest, he has got them out of his own head. Thus, when we come to his first qualification, that of paying license-tax in respect of a trade, etc., he has apparently gone to section 9(2) (b) of the Local Self-Government Act of 1885, but the license-tax there mentioned is now out of date. In his second qualification, he comes to the payment of income-tax, which he has taken apparently from the Municipal election rules. But surely if a man pays income-tax, it follows, almost as a matter of course, that he can pay the small sum per month which will qualify him as a voter for the union board. The third test, that of passing the middle English or vernacular examination, is entirely a new one, and the Council will observe to what a very low educational level it comes. It cannot be seriously contended that the middle English or the middle vernacular is a very high standard for a man exercising this franchise. Even in the Local

*The Bengal Village Self-Government Bill, 1919.**Rai Radha Charan Pal Bahadur; Sir Deba Prasad Sarbadhikari.*

Self-Government Act the educational franchise does not go below graduates and the Municipal rules only go down to the Intermediate Arts standard. His fourth qualification is very curiously worded. He says that those who have passed any title examination, such as the *tol* examination or the final examination of a *madrassa*, should be entitled to vote. I am not quite clear what he means when he refers to *tols* and *madrassas*, for which I cannot find any precedent in other Acts, and the whole thing is vague in the extreme. His fifth test is the passing of the entrance or the matriculation or any higher examination of a University. It, therefore, overlaps in a very curious way his third one, which was the middle vernacular or middle English examination, and surely the entrance examination of the University is not a very high standard. His last qualification is apparently based on the Municipal rules, but he has omitted an important item in that precedent which was that of a property qualification, in addition to the educational qualification, and he has put in a curious reference to an overseer, regarding which I am not quite sure what he means. Therefore, I think that, even as they stand, the amendments are defective; they are not supported by precedent, and they are not justified by the main argument which the Hon'ble Member has used, namely, that unless we insert them in the Bill we eliminate the educated classes from the list of voters. On the contrary, we wish to bring them in, and I submit that they can usually be brought in by the payment of the very low taxation which the Bill proposes."

The Hon'ble Rai Radha Charan Pal Bahadur said :—

"My Lord, I do not wish to give a silent vote on this matter, but I wish to say that I have listened with very great attention to the speech of the Hon'ble Mover, whom it has always been my pleasure to support. I have paid a little attention to the other clauses of the Bill, and although I have listened with very great attention to his very eloquent speech I must say that I have gone into many of his points as far as I could, and find on a reference to the several clauses of the Bill that his points will not stand very close examination. My hon'ble friend wants that medical men, lawyers, graduates and under-graduates and teachers should all be voters, but I find that in clause 38 (now clause 37) of the Bill there is a provision that anyone who pays a union rate of Re. 1 will be entitled to vote whatever he may be. If a man does not pay this rate, even if he is a resident, I do not think he has any claim to sit on the union board as a representative. The Hon'ble Member also wants to add another qualification over and above the residential qualification, in one case, i.e., he will give a vote to the man who is paying a license tax, but in such cases the man generally pays an income-tax and, of course, an union rate. If so, he will be entitled to a vote, but if he is not a resident there, it is not desirable to have him even when he pays a cess rate or the union rate. He should be a resident there. I need not enter into the question at all. It will be otherwise spoilt by this amendment. I would like to include business in the category the clauses are added together, I do not see my way to vote for this amendment."

The Hon'ble Sir Deba Prasad Sarbadhikari said :—

"My Lord, I am not quite clear in regard to one thing. Is it possible that irrespective of property qualification, if a man pays down a rupee for the union rate he will be entitled to vote? If that is so, everything that the Hon'ble Sir Henry Wheeler has said will hold good. If it is not so, we must stand out for educational qualification which is no new departure. It has already been recognized in the Municipal Acts, as has been pointed out by the Hon'ble Sir Henry Wheeler; and in dealing with this matter we ought not to depart from this principle. If it is quite clear that the payment of one rupee independent of property qualification would entitle a person to vote, I think we ought to enact some of the clauses here. My difficulty in supporting the whole of the amendment is that this amendment is a somewhat curious mixture of the kind pointed out by the Hon'ble Sir Henry

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Wheeler. For example, when it talks of licentiates of any University the framer forgets that the Calcutta University gives no licenses in these days. And if you fix the matriculation standard you bring down the qualification lower than that indicated by the other clauses. That is, however, a matter of detail. One advantage or disadvantage of having this legislation now is that we are considering in advance as to what will happen to the Reform Scheme, i.e., whether merely property qualification or educational qualification also should come in. The educational qualification is already in our existing Municipal Act, and I do not see why it should be taken away in connection with the new machinery without any adequate reason. I would partially support the principle of the amendment so far as the educational qualification is concerned."

The Hon'ble Maulvi Abul Kasem said :—

"My Lord, the amendments that follow after the one that has been moved by the Hon'ble Rai Mahendra Chandra Mitra Bahadur are on the same lines. I have given notice of one of them. My idea was not to include in the list of voters all men, University graduates, under-graduates or matriculates and finally passed students of *madrassas* or *tols* even if they pay the union rates ; but my object was to include in the list of voters those people who will not be entitled to pay the rates as such just as the Hon'ble Sir Deba Prasad Sarbadhikari has pointed out. There must be some rule that if he does not occupy a separate holding he will not be entitled to vote. The people whom I had in mind were the sons of gentlemen who hold property in their own name. Adult children and grandchildren of gentlemen living in the village would not be entitled to vote neither to pay taxes or rates. As regards independent men living by themselves I do not think the union committee will ever exempt them from paying the taxes and they will be the last persons to be let off without paying the rates. But those who live with their fathers and the property is held in the name of their fathers or mothers, they will not be entitled to vote ; and my object—and it was the object of my friend—to include in the list of voters all qualified persons, i.e., those resident of the union who are graduates or have educational qualifications but live with their parents and have no property of their own. I think that if any means could be found to include them I would be glad to accept them. But I would like to submit that their inclusion would not increase the number of voters very much as their number will be very limited. That is why I insist upon their being included."

The Hon'ble Sir Henry Wheeler said :—

"My Lord, a certain amount of misapprehension may possibly have been caused by my somewhat loose use of the term 'property qualification'. I used the expression in order to differentiate between these educational standards which are mentioned in the amendment and the scheme of the Bill. But perhaps the more accurate term would be tax or rate-paying qualification. Under clause 38 (now clause 37) of the Bill, a union board shall impose yearly a rate on the owners or occupiers of buildings. That is, modelled on section 14 of the *Chaukidari Act*, which says that all owners or occupiers of houses in any village and any person who has within such village a *cutcherry* for collecting rents, shall be liable to assessment for the purposes of the Act. I think that it is known to all that many people pay *chaukidari* tax who are not in any sense 'propertied men.'"

The Hon'ble Rai Mahendra Chandra Mitra Bahadur said :—

"My Lord, in reply I beg to invite the attention of the Hon'ble Member in charge to clause 39 (now clause 38) of the Bill. The rate to be imposed by union boards under clause 38 (now clause 39) shall be an assessment

*The Bengal Village Self-Government Bill, 1919.**Sir Henry Wheeler; Maulvi Abul Kasem.*

according to the circumstances and the property within the union of the person liable to pay the same. Supposing a gentleman who has got educational qualifications has no property, then he is not required to pay the rate and he cannot be assessed. I refer to clause 5 (now clause 7) which lays down that the payment of a cess is a qualification of a voter. Suppose a gentleman possessing an educational qualification does not pay cess at all, then he is not and cannot be enlisted as a voter. For this reason I say that independent of the payment of union rates or the cess those persons who have got educational qualifications ought to be enlisted as voters, and the reason is plain. I think it is necessary that the Hon'ble Members should consider that the rate-paying or tax-paying qualification ought not to be the only qualification for being enlisted as voters. Therefore, in this view of the matter I thought it necessary to press my amendment for the consideration of the Hon'ble Members. The same fault appears in the Bengal Municipal Act, although an attempt was made in this Council to have it modified, but the difficulty arose on account of the provisions in section 15 of the Bengal Municipal Act, and although resolutions were put before the Council, Lord Sinha could not find his way on the face of the difficulties which were pointed out to him to modify it. Now that this Bill is going to be law I appeal to the Legislature to consider whether these difficulties can be overcome. In that sense, I have brought it to the notice of your Excellency's Council, or else the same difficulty will be felt hereafter."

The Hon'ble Sir Henry Wheeler said :—

"My Lord, may I add one word with reference to clause 39 (now clause 38), to which the Hon'ble Member has made reference now for the first time? I might explain that the words there used—'an assessment according to the circumstances and the property'—are modelled upon section 15 of the Chaukidari Act, 1870, which refers to an assessment according to the circumstances and the property to be protected of the persons liable to taxation. That, in no sense requires that the people assessed should be owners of property; a cursory glance at any village chaukidari assessment roll will show that the panchayet taxes men in view of their circumstances, whether they are daily labourers, artisans, pleaders, school-masters or what not. In the same way pleaders or professional men of any kind who occupy a building will be assessed under the Bill according to their circumstances. I have already mentioned that a person need only pay the very low assessment of slightly over one anna per month in order to qualify for a vote."

The motion was then put and lost.

AMENDMENT No. 31.

The following motion stood in the name of the the **Hon'ble Maulvi Abul Kasem**, that after sub-clause (I) (ii) of clause 5 (now clause 7) the following be inserted namely :—

"or

- (iii^a) who has passed the middle English or middle vernacular examination, or
- (iii^b) who has passed the sanskrit *tol* examination or the junior madrasa examination recognized by Government, or
- (iii^c) who has passed any University examination, or
- (iii^d) who holds a certificate and license as a pleader, mukhtear or revenue agent or as a medical practitioner registered under the Bengal Medical Board."

He said :

"I think that this amendment has been disposed of after the discussion which has taken place on the previous one, and I do not think that I shall be in order in moving this amendment."

The motion was then deemed to be withdrawn.

*The Bengal Village Self-Government Bill, 1919.**Babu Akhil Chandra Datta; President; Sir Henry Wheeler.***AMENDMENT No. 32.**

The following motion stood in the name of the **Hon'ble Babu Akhil Chandra Datta**, to move that after sub-clause (I) (iii) of clause 5 (now clause 7) the following be inserted, namely :—

“ or

- (iii*a*) who, during the year immediately preceding the election, has paid a license-tax in respect of a trade, dealing or industry carried on wholly or in part within such union, or
- (iii*b*) who, during the year immediately preceding the election, has been possessed of a clear income from any source of not less than Rs. 120, or
- (iii*c*) who is a graduate, under-graduate or matriculate or is a sanskrit title-holder or has passed the *tol* final examination or middle English or middle vernacular scholarship examination, or the normal school or madrasa school examinations, or the final examination from a recognized medical school and who ordinarily resides within such union.”

The President said :—

“ I think that this amendment is covered by the discussion of the previous amendment.”

The Hon'ble Babu Akhil Chandra Datta said :—

“ My Lord, there are three parts of this amendment, the first part of which is covered by the amendment that has already been disposed of, viz., No. 31. Part 2 is, however, new which says :—

‘ who, during the year immediately preceding the election, has been possessed of a clear income from any source of not less than Rs. 120 ’.

I press for this portion. This is really a reproduction of section 9 (1) (c) of the Self-Government Act of 1885. As regards the third portion, I think that it is also disposed of. I shall, therefore, confine myself to the second portion.”

The Hon'ble Sir Henry Wheeler said :—

“ My Lord, I will not repeat the general considerations on which I deprecate the acceptance of this amendment, but will only refer to the clause which the Hon'ble Member still wishes to press, *namely*, the possession of an income from any source of not less than Rs. 120. The Hon'ble Member claims the precedent of section 9 (2) (c) of the Local Self-Government Act; but I may point out that in that section the figure is Rs. 240, which, for some reason unexplained, he has halved. But, apart from that, anybody possessing a clear income of Rs. 10 a month would under the customary procedure of village assessment be asked to pay the minimum amount of Re. 1 which would qualify him to be a voter.”

The Hon'ble Babu Akhil Chandra Datta said :—

“ My Lord, I have seen that in the other Act the figure is Rs. 240, but I have advisedly reduced it in order that we may have more men to serve on the union boards. That was the consideration which influenced me in reducing the amount.”

The second part of the motion was then put and lost.

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AMENDMENTS Nos. 33 and 34.

The following motions were then deemed to be withdrawn:—

The Hon'ble Kumar Shib Shekhareswar Ray to move that after sub-clause (1) (iii) of clause 5 (now clause 7) the following be inserted, namely:—

“or

(iii) who is a matriculate of an Indian University or has passed the final examination of the State Medical Faculty, the Board of Sanskrit examination or the Government madrasahs.”

The Hon'ble Babu Kishori Mohan Chaudhuri to move that after sub-clause (1) (iii) of clause 5 (now clause 7) the following be inserted, namely:—

“or

(iv) who has passed the matriculation examination of an Indian University, or any other examination equivalent to the same, or the final examination of any senior madrasah recognized by Government, or any title examination in sanskrit recognized by Government, or any examination under the State Medical Faculty of Bengal or of any other Provincial Government in British India.”

AMENDMENT No. 35.

The Hon'ble Maulvi Abul Kasem, in the absence of the Hon'ble Maulvi A. K. Fazl-ul-Haq, withdrew the following motion with the permission of the President, viz.,—

“that the proviso to sub-clause (1) of clause 5 (now clause 7) be omitted.”

AMENDMENT No. 36.

The following motion was held to be covered by the decision on amendment No. 27 and was deemed to be withdrawn:—

The Hon'ble Babu Akhil Chandra Datta to move that after the proviso to sub-clause (1) of clause 5 (now clause 7) the following be inserted, namely:—

“Provided also that all female voters shall be entitled to vote through their agents holding powers of attorney.”

AMENDMENT No. 37.

The Hon'ble Babu Akhil Chandra Datta moved that for the words “every person” in line 1 of sub-clause (2) of clause 5 (now clause 7) the words “every literate male person” be substituted.

He said:

“My Lord, the object of this amendment is that the members of union boards should be literate.”

The Hon'ble Sir Henry Wheeler said:—

“My Lord, this amendment, as the Hon'ble Member has just said, would make literacy a test of membership of the union board. In so doing, it would follow a precedent which is in the Local Self-Government election rules, though on the other hand, it is not in the Municipal rules. We may therefore say that the precedents are divided. The amendment is unexceptionable in so far as we want the people who are going to be members of the board to be men of capacity, which to some extent, is indicated by literacy, but I would invite the attention of the Council to certain remarks which were made

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by the District Administration Committee which considered this matter, and was influenced by the opinion of two of its members who were closely connected with Eastern Bengal. They wrote :—

"The objection has been taken that there will not be men in all unions sufficiently qualified to undertake the duties that we are proposing for the panchayets, but we think that in this matter there is a tendency to look too much to education and too little to personal qualifications. Two of our members have spent the greater part of their service in Eastern Bengal, and their work has brought them into direct and constant association with the villagers in the remotest parts of many districts. Their experience is that in every union suitable men can be found to serve on the panchayets who, although not possessing high educational qualifications, can be trusted under sympathetic guidance and control to do a great deal of useful work for their villages. We believe that this is equally true of other parts of Bengal, and that all over the province such men can be found."

"That, Sir, is a pronouncement of some authority, and it would weigh with me in deprecating this amendment, though if the Hon'ble Member cares to press it to a division I would leave it to the Council."

The Hon'ble Babu Akhil Chandra Datta said :—

"My Lord, I am not myself very keen about this. There is some feeling amongst the non-official members that this should be urged. At the same time, I hope that similar arguments will be advanced; it is said very often that the people are not sufficiently educated. I for one would be glad to accept the position that has been taken by the Hon'ble Sir Henry Wheeler, that is, however, my personal opinion. As there is a feeling in the non-official benches that this amendment is necessary, I feel justified in pressing it."

The motion was then put and lost.

AMENDMENT No. 38.

The Hon'ble Maulvi Abul Kasem, in the absence of the Hon'ble Maulvi A. K. Fazl-ul-Haq, withdrew the following motion with the permission of the President :—

That at the end of sub-clause (2) of clause 5 (now clause 7) the following be added, namely :—

"Provided that only one member of a joint undivided family shall be entitled to be so elected."

AMENDMENT No. 39.

The Hon'ble Babu Kishori Mohan Chaudhuri moved that the *Explanation* to clause 5 (now clause 7) be omitted.

He said :

"My Lord, in this explanation the word 'residence' is explained as ordinarily residing within its limits. The last portion says: 'No person may be so resident within the limits of more than one union at the same time'. I think the expression should be rather elastic. Resident may be taken as sufficient without a restriction as to the manner of residence, as in that case very few qualified men will be available for work on these union boards. It may be that for the sake of serving the needs of the community in the matter of medical aid and education many people of the headquarters may be inclined to go actually to the village and serve on these boards, and if it is

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restricted that such persons should be residing in the union in order to be able to serve there. Moreover, in the case of municipal boards, we see that one person may enjoy the right of voting in more than one municipality or locality ; so, in this case simply because a person is a resident of one union board, he should not therefore be debarred from serving on another union board. In that view of the matter, I hope that the explanation be omitted."

The Hon'ble Sir Henry Wheeler said :—

" My Lord, I recommend the retention of the explanation. It will be remembered that in the Bill as it passed out of the hands of the Select Committee, this residential qualification applied to the voter as well as to the member. As I have previously explained to-day, we discarded it in the case of the voter, in deference to what we understood to be the sense of the Council ; but we retained it as regards the member, in order to ensure that the people who serve on these union boards should be genuine residents and not outsiders. We want to get the men who actually live in the villages, who are in the confidence of the people there, who know what is going on, and who are competent to supervise the execution of the petty works of improvement which will be within the power of the union boards. We do not think that the affairs of the union boards can be run properly by men who are mere birds of passage, making only casual visits to the union, and importance is to be attached to the *Explanation* that no person may be resident of more than one union at the same time. If there is any doubt, the person himself can state the place where he most frequently resides and where he wishes to take part in the affairs of that union as a resident, but he will not be allowed to be a member of a union with which he does not have a really close connection. That seems a fair provision and I would press for its retention."

The Hon'ble Babu Kishori Mohan Chaudhuri said :—

" My Lord, I have already said what I had to say, I think that if it be restricted to ordinary residence many qualified persons will be unable to serve on these boards. I submit, therefore, that this amendment should be accepted."

The motion was then put and lost.

AMENDMENT No. 40.

The Hon'ble Maulvi Abul Kasem said :—

" My Lord, in view of the decision of the Council on the previous amendment this item (No. 40) also falls through."

The motion was as follows :—

The Hon'ble Maulvi A. K. Fazl-ul-Haq to move that after the words " within its limits " in lines 3 and 4 of the *Explanation* to clause 5 (now clause 7) the words " or has a place of residence within the union ", be inserted.

The motion was then deemed to be withdrawn.

AMENDMENT No. 41.

The Hon'ble Babu Kishori Mohan Chaudhuri moved that in line 1 of clause 6A, (now clause 9), for the word " may " the word " shall " be substituted.

He said :—

" My Lord, I wish to make it obligatory on the union board to elect one of its members to be its vice-president, and in that view I move this amendment."

*The Bengal Village Self-Government Bill, 1919.**Mr. Hart ; Babu Kishori Mohan Chaudhuri ; Babu Akhil Chandro Datta.***The Hon'ble Mr. Hart said :—**

" My Lord, I oppose this amendment. The Hon'ble Member has not given any reasons for proposing to make it obligatory that the union board should appoint or elect a vice-president, and I think it is recognized that it is important that the administration of the union board should be conducted as far as possible in the same simple way as the business affairs of a family are managed. Formalities should be avoided and nothing should be done to give an opening to complications. In every joint family there is a *karta* or headman who conducts its business affairs and it is not the ordinary practice to appoint a vice-headman unless and until it becomes apparent that the vice-headman is necessary. For the same reasons it is expedient that a union board should not appoint a vice-president until the necessity arises. In a municipality where they have a vice-chairman, the case is somewhat different. There the number and complexity of the chairman's duties make it desirable that he should have the assistance of a vice-chairman, but the president of a union board will not have more work than one capable person can ordinarily manage. It would be a mistake to appoint two persons to divide the work and responsibility of one man, and it would be a mistake to impose on the union board a superfluous officer. Clause 6A (now clause 9) as it stands empowers the union board to elect a vice-president when it considers such an appointment necessary. To compel the union board against its will to appoint a vice-president is unnecessary and likely to be prejudicial to the system of village self-government. For these reasons, my Lord, I oppose the amendment."

The Hon'ble Babu Kishori Mohan Chaudhuri said :—

" My Lord, I cannot understand why it is not thought desirable that there should be a vice-president. These boards should not be a one-man show ; we often hear that the chairman of the district board is the district board, so even in executive union boards it is very desirable that there should be a vice-president to assist the president. The provision in the law is very reasonable, that there may be a vice-president, and to emphasize the necessity of such an officer, I have proposed that it should be made obligatory. I, therefore, hope that this amendment will be accepted."

The motion was then put and lost.

AMENDMENT No. 42

The following motion which was held to be covered by the decision on amendment No. 41 was then deemed to be withdrawn :—

The Hon'ble Babu Kishori Mohan Chaudhuri to move that clause 6A (now clause 9) be re-numbered as clause 6A (1) and that after the re-numbered sub-clause (1), the following sub-clause be inserted, namely :—

"(2) If any union board fails to elect a vice-president within the period prescribed by rules under section 111, the district board shall appoint a member of the union board to be the vice-president."

AMENDMENT No. 43.

The Hon'ble Babu Akhil Chandra Datta moved that for the words "district magistrate" in line 3 of sub-clause (1) of clause 11A (now clause 11) the words "district board" be substituted.

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He said :

"My Lord, this is based upon the general principle that the duty and function of the supervision of the rural boards should be entrusted to the district board and not to the district magistrate."

The Hon'ble Sir Henry Wheeler said :—

"Sir, I do not quite understand why this amendment has been mooted, except on the general principle of looking through the Bill and wherever the words 'district magistrate' occur proposing to substitute for them the words 'district board'. The duty defined in clause 11A (now clause 11) has nothing to do with the working of the boards or with the control over them. It is merely a declaratory function—to declare authoritatively that a board was constituted on such and such a date. That is a formality connected with the calculation of the term of office of members. It was not in the Bill as originally framed, which specified a 3-year term of membership from the date of election or appointment. In the Select Committee we discussed how best to ensure that the term of elected members and appointed members synchronized, and we finally adopted the solution which is now in the Bill, to have an authoritative declaration of the date from which the board was duly constituted, and to let the three years' term run for all from that date. This clause says that the district magistrate is to declare the date ; in so doing he can hurt nobody, even if it wanted to do so, and the proposal is consistent with clause 3 (now clause 5) of the Bill which makes the creation of these union boards, a function of the Executive Government. It is best that a simple function of this kind should be performed similarly by an executive officer, and there will be less likelihood of possible confusion if it is left to him than if it is delegated to the district board."

The Hon'ble Babu Akhil Chandra Datta said :—

"My Lord, in view of the observations made by the Hon'ble Sir Henry Wheeler, I beg permission to withdraw this amendment."

The motion was then, by leave of the President, withdrawn.

AMENDMENT No. 44.

The Hon'ble Maulvi Abul Kasem, in the absence of the Hon'ble Maulvi A. K. Fazl-ul-Haq, moved that after the word 'may' in line 1 of sub-clause (1) of clause 12, the following be inserted, namely :—

"Of its own motion, or on an application made in accordance with rules under section 111."

He said :

"This is a very formal amendment, and the Hon'ble Member may accept it if he thinks fit."

The Hon'ble Sir Henry Wheeler said :—

"My Lord, I do not think the amendment is required. The clause deals with the power to remove members, and says that the district board may remove any member under specified conditions. I do not think it is necessary to say that it should do so of its own motion or on an application made in accordance with rules made under clause 111 (now clause 102), because the district board will take action whenever the facts are brought to its notice in any manner."

*The Bengal Village Self-Government Bill, 1919.**Maulvi Abdul Kasem ; Kumār Shib Shikhareswar Ray ;**Sir Henry Wheeler.***The Hon'ble Maulvi Abul Kasem said :—**

“ My Lord, I do not wish to press this amendment.”

The motion was then, by leave of the President, withdrawn.”

AMENDMENT No. 45.

The Hon'ble Kumar Shib Shikhareswar Ray, in the absence of the Hon'ble Raja Hrishikesh Laha, moved that for the words, brackets and figures “ clause (1) or clause (3)” in line 2 of sub-clause (2) of clause 12 the following be substituted, namely :—

“ clauses (1), (3) or (5)”.

He said :

“ My Lord, the reason is obvious. A person guilty of misconduct or of any disgraceful conduct ought not to be re-elected as a member of the union board. I submit that misconduct or disgraceful conduct is no less reprehensible than the disqualifications mentioned under (1) and (3) of sub-clause (1). If a member of a union board finds that, in the event of his being declared guilty of misconduct, he will be permanently disqualified from being again elected a member, he is likely to be more careful and scrupulous than if the only penalty for misconduct is to be his removal from membership for a short time only, and there will be nothing to prevent his being re-elected. The proposal, if accepted, will certainly act as a more powerful deterrent than the nominal punishment of temporary disqualification provided in the Bill.”

The Hon'ble Sir Henry Wheeler said :—

“ Sir, I have no objection in accepting this amendment if it commends itself to the Council. Clause 12 enumerates five circumstances under which persons may be disqualified. The Bill makes two of them permanent disqualifications, that is, conviction of a non-bailable offence and having been declared disqualified for employment in the public service. The fifth, that is, being guilty of misconduct in the discharge of his duties, is not permanent ; we discussed the point in Select Committee, and the view we took was that if the electors thought that a man should be re-elected after what he had done, we should be prepared to allow them to do so. But if the Council wish to make this a permanent disqualification, I am prepared to accept it.”

The Hon'ble Kumar Shib Shikhareswar Ray said :—

“ I have nothing further to add, my Lord.”

The motion was then put and lost.

AMENDMENT No. 46.

The following motion stood in the name of the Hon'ble Maulvi A. K. Fazl-ul-Haq :—

New clause 14B.

That after clause 14A (now clause 14) the following be inserted, namely :—

“ 14B. (1) Notwithstanding anything contained in this Act, it shall be competent for the voters of a union board to pass a vote of censure on any member of such board at a meeting attended by at least two-thirds of the total number of voters.

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(2) On such a vote being passed, the member concerned shall tender his resignation to the union board within two months of the date of the meeting, and in case of his neglect or refusal to do so, he shall be removed from office by the district board.

(3) Every such meeting shall be convened and conducted in accordance with rules under section 111."

The Hon'ble Maulvi Abul Kasem said :—

"My Lord, I am sorry I cannot move this amendment, but if anyone wishes to move it on behalf of the Hon'ble Maulvi Fazl-ul-Haq, he is quite welcome to do so.

The President said :—

"Does not the Hon'ble Member wish to move it?"

The Hon'ble Maulvi Abul Kasem said :—

"No, I cannot also move Nos. 47, or 48 ; 49 also falls through."

As no Hon'ble member was willing to move it the motion was then deemed to be withdrawn.

AMENDMENTS Nos. 47—49.

The following motions were also deemed to be withdrawn.

The Hon'ble Maulvi A. K. Fazl-ul-Haq to move that sub-clause (1) of clause 15 be omitted.

If motion No. 47 be carried, also to move that before the words "vice-president" in line 1 of sub-clause (3) of clause 15 the word "President" be inserted.

Also to move that after the word "may" in line 1 of sub-clause (1) of clause 16 the following be inserted, namely :—

"of its own motion, or on an application made in accordance with rules under section 111".

AMENDMENTS Nos. 50—52.

The following motions were held to be covered by the decisions on previous motions and were deemed to be withdrawn :—

The Hon'ble Babu Kishori Mohan Chaudhuri to move that for the word "may" in line 2 of sub-clause (3) of clause 17 the word "shall" be substituted.

Also to move that after the word "meeting" in line 3 of sub-clause (3) of clause 17 the following be inserted, namely :—

"within a period prescribed by rules under section 111".

Also to move that after sub-clause (3) of clause 17 the following be inserted, namely :—

"(4) if any union board fails to elect a new vice-president within the prescribed period, the district board shall appoint a new vice-president."

*The Bengal Village Self-Government Bill, 1919.**Maulvi Abdul Kasem; Sir Henry Wheeler; Rai Radha Charan Pal Bahadur.***AMENDMENT No. 53***New clause 17A.*

The Hon'ble Maulvi Abul Kasem, in the absence of the Hon'ble Maulvi A. K. Fazl-ul-Haq, moved that after clause 17 the following be inserted, namely :—

"17A. The union board shall have power to grant leave of absence to its president or vice-president for a period not exceeding six months in a year, either at one time or in the aggregate, and may fill up the vacancy caused by such absence".

He said :

"My Lord, I think in the Municipal Act provision is made for granting leave to the chairman and vice-chairman, and I think the same concession should be shown to union board officers as well."

The Hon'ble Sir Henry Wheeler said :—

"This is scarcely a proposal which involves any important principle, but rather a detail of administrative convenience and necessity. As the Hon'ble Mr. Hart has said in connection with another amendment, we want to keep the working of the union boards as simple as possible, and therefore we did not follow the precedents of the Municipal Act or the Local Self-Government Act in certain of the provisions which are required in the case of a more highly organized body like a district board or a municipality. In this matter of granting leave we thought it better that if the president required leave, the union board should see to it in an informal way and arrange for the performance of his functions in his absence. We have a rule making power in clause 111(d) [now clause 101(d)] to prescribe the powers to be exercised by the president or vice-president of a union board, and probably, if a difficulty arose, we could frame rules which would meet it. That is my objection to the amendment; that it goes rather beyond the limits of simplicity which we sought to maintain in respect of these boards."

The Hon'ble Rai Radha Charan Pal Bahadur said :—

"My Lord, I cannot quite follow the Hon'ble Sir Henry Wheeler. As far as I understand, he does not quite oppose this amendment, but at the same time he does not wish to burden the union board with other provisions. What I want to know is, if the president of the union board—I do not say the vice-president—is unable to attend to his duties for six months or more, what are the provisions of the Bill which will enable the union board to elect another president to officiate for him, or to carry on his work in his absence? There is no provision as far as I know, and I am not sure whether in the absence of any provision of this kind the union board will be able to grant leave to their president or vice-president. The Hon'ble Sir Henry Wheeler referred to clause 111(d) [now clause 101(d)] which prescribes the powers to be exercised by the president or vice-president of the union board, but the president must be there in flesh and blood, and must be present at the meeting of the board. Suppose he is ill or laid up or goes away, or is absent from the place, there must be some person to perform his functions. I should like to know whether in such cases the union board will be in a position to appoint a temporary president or vice-president."

The Hon'ble Sir Henry Wheeler said :—

"Sir, I gather that the Hon'ble Member asks two questions. He enquires as to my own personal view, which is, that this amendment is unnecessary. Secondly, he asks who is to exercise the statutory functions of

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the president in his absence ? As regards that I would merely say that for the performance of the statutory functions of a body like the Calcutta Corporation, with all its complicated interests, it is necessary to have provisions of this kind definitely laid down, but when we come to union boards, which are after all merely a few men running the affairs of a village, we do not require to overload the Bill with special provisions, and if we can avoid them, so much the better. The Bill will be worked by fairly simple people and it should be kept simple. As it is, the idea of this Bill has grown considerably since Sir Nicholas Beatson Bell first attempted to frame it. He hoped to put down provisions on little more than a half sheet of notepaper for the guidance of these village committees, but the Bill has already become much larger than was originally intended, and I hesitate to add other provisions unless their necessity can be very clearly proved. Otherwise, there is no question of principle involved."

The Hon'ble Maulvi Abul Kasem said :—

"My Lord, the object of moving this amendment was that the union boards should be given power to grant short leave of absence to their presidents in urgent cases. Suppose the president is ill or obliged to leave the village for medical treatment or for any urgent business, what provision is to be made to carry on the duties of the board ? I am afraid the only course open to him is to resign his office, and a fresh election must take place, unless there is a vice-president to act for him. Of course the period of six months in the aggregate is too long a period, but some provision ought to be made in the Bill for temporary grant of leave to the president in order to ensure arrangements for carrying on his work during his absence. I admit, of course, that it has nothing to do with the principle of the Bill."

The motion was then put and lost.

AMENDMENT No. 54.*Clause 20.*

The Hon'ble Babu Ambika Charan Mazumdar moved that after the word "road" in line 1 of clause 20 (now clause 19) the words "bridge and tank" be inserted.

He said :

"My Lord, this amendment refers to clause 20 (now clause 19) of the Bill, which provides for the property to be vested in the union boards, that is to say, roads, buildings or other works constructed by the union wards. To those I wish to add 'bridge and tank'. It is extremely doubtful if the word 'road' as defined in this Bill would cover a bridge. Certainly it would not cover a tank, and I think if we enumerate any property it is necessary to expressly mention 'bridge' and 'tank' which are very important works of the board. I do not think 'or other work' would be sufficient to cover these two, for in that case the clause ought to have been worded 'other works constructed by the union board'. We need not have mentioned roads, buildings, etc. If it was necessary to mention roads, buildings, etc., I think it is necessary to mention also bridges and tanks."

The Hon'ble Mr. Hart said :—

"My Lord, I oppose this amendment. Clause 20 (now clause 19) of the Bill applies to 'every road, building or other work' and the words 'other work' obviously cover a bridge or a tank. The Select Committee saw no reason to include in this clause a complete list of the various kinds of work which a union board may construct, and I do not think that the Hon'ble Member has been able to show that there is special need for making specific

*The Bengal Village Self-Government Bill, 1919.**Babu Ambika Charan Mazumdar ; Sir Henry Wheeler ; Debender Chunder Ghose Bahadur.*

mention of bridges or tanks. I might explain also that in this case the wording of the clause exactly follows that of section 75 of the Local Self-Government Act of 1885. As these words are unnecessary, my Lord, I beg to recommend that the amendment be not accepted."

The Hon'ble Babu Ambika Charan Mazumdar said :—

"My Lord, with due deference to the finality of the Select Committee, I beg to submit that I am not at all impressed with the Hon'ble Member's statement that the words 'other work' in place of 'other works constructed by' would do. Why do you mention roads and buildings? If you mention them, you should also mention other important works done by the union board. 'Or other works' might mean according to the interpretation given generally in courts of law, other works like buildings, etc.—the preceding words. I think there can be no bar in introducing the words 'bridge and tank'."

The motion was then put and lost.

AMENDMENT No. 55.

The Hon'ble Babu Ambika Charan Mazumdar moved that the words "from the union fund" in line 2 of clause 20 (now clause 19) be omitted.

He said :

"My Lord, the next amendment also refers to this very clause which says that every road, building or other works constructed by a union board from union funds shall be vested in the union boards. I do not understand why you should fetter this clause with the restrictive clause, viz., 'from the union fund'. The union board may construct a work either by begging, borrowing or stealing, and why should you say, constructed by the union board 'from the union fund'? It may even happen that a private gentleman may grant a sum of money with the object of constructing a tank; there the work is constructed not from the union fund, but from some specific fund received for the purpose. Why should we fetter the hands of the union board by saying that that tank should be vested in case it is constructed from the union fund? I think the clause 'from the union fund' should be omitted."

The Hon'ble Sir Henry Wheeler said :—

"I do not think, Sir, that the clause as it stands will give rise to any practical inconvenience, while the adoption of the amendment might possibly have that result. The Hon'ble Member has referred to the case of a work constructed out of a donation made by a private individual, but such a work will vest in the union board. It will do so because under clause 47 (now clause 46) the donation would be a miscellaneous receipt of the union board and part of the union fund, and the work so constructed would come within the meaning of this clause. But the possible inconvenience to which I refer is that if the district board took action under clause 35 (now clause 33) to make over to the union board the execution of any work within its area, it might well happen that, while the district board might want to make over to the union board a particular work and the union board might be perfectly willing to undertake it, yet neither the district board might want to make over the property, nor the union board want the responsibility of keeping it. Therefore, inconvenience might arise if we made the change which the Hon'ble Member suggests."

The Hon'ble Rai Debender Chunder Ghose Bahadur said :—

"My Lord, I am not much impressed with the arguments of the Hon'ble Sir Henry Wheeler nor the illustration he has put before the Council. If a man makes a donation for making a road, it may be taken as part of the union fund, but at the same time I think there is something to be said that certain

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cases would not be covered by the Bill as it now stands. Suppose I happen to be a resident of a union board and there is a road running from my ground to another part of the union and I want to make over this private road of mine to the union board, for it would be a great convenience to the public, then in that case the words of the Bill as they stand would rather go to show that it would not be vested in the union board, because it is not a road made from the union fund. I want to have this made clear, that if I make a gift of my private road to the union board and the union board takes it over because it would be a great boon to the public, it should vest in the union board. Certainly it is not made out of union funds, but it ought to vest in the union fund, therefore, I join with my hon'ble friend the mover in saying that properties made over to the union board should vest in them. I would not restrict it to the words 'made from the union fund'."

The Hon'ble Babu Ambika Charan Mazumdar said :—

"My Lord, I have nothing further to add."

The motion was then put and lost.

AMENDMENT No. 56.

The Hon'ble Babu Akhil Chandra Datta moved that after the words "from the union fund" in line 2 of clause 20 (now clause 19) the words "or made over to the union board by the district board or local board" be inserted.

He said :

"My Lord, the clause as it stands now refers only to buildings and other works constructed by union boards, but we can imagine very well that the existing roads will be made by the district boards or the local boards to the union boards. The clause as it stands now does not deal with those roads. Therefore it is necessary that these words 'or made over to the union board, etc., should be inserted.'"

The Hon'ble Sir Henry Wheeler said :—

"My Lord, here again I do not think the amendment is necessary. Under clause 19 (now clause 18), the union board will have power to acquire or hold property, both movable and immovable. If, therefore, the district board or the local board do desire to make over any property to the union board, it will be open to them to do so, and the union board can accept it ; but I have already referred to clause 35 (now clause 33) under which it is quite possible for the district board to make over the execution of a work to the union board without wishing to vest such a work in them. Therefore it seems preferable to maintain the wording of the clause as it stands."

The Hon'ble Babu Akhil Chandra Datta said :—

"My Lord, I have nothing further to add."

The motion was then put and lost.

AMENDMENT No. 57.

The Hon'ble Maulvi Abul Kasem, in the absence of the Hon'ble Maulvi A. K. Fazl-ul-Haq. moved that for clause 22A (now clause 20) the following be substituted, namely :—

"22A. (1) The union board shall appoint such persons as it considers fit to be dafadars and chaukidars under this Act, whenever a vacancy or vacancies exist :

*The Bengal Village Self-Government Bill, 1919.**Babu Akhil Chandra Datta ; The President ; Sir Henry-Wheeler.*

Provided that if the union board fails within a reasonable time to make such appointments, the district magistrate shall make the requisite appointment or appointments to fill up the vacancy or vacancies.

(2) The union board shall have power to dismiss a dafadar or chaukidar :

Provided that a dismissed dafadar or chaukidar shall have a right of appeal to the district magistrate, whose orders shall be final."

He said :

"My Lord, this amendment is an important one and there is a question of principle involved in it. The principle advocated by this amendment is that the dafadars and chaukidars should be appointed by the board and the board should have power of dismissing its servants. In the Bill as it was first brought before the Council the power of appointing chaukidars and dafadars was vested in the district magistrate, but the Select Committee after reconsideration, considered it fit and proper to suggest that the board is to nominate a person for appointment as dafadar or chaukidar and the district magistrate shall, if satisfied with such nomination, appoint such nominee. This amendment aims at giving the full power of appointment to the board itself and the power of dismissal as well. The only provision added is that dismissed dafadars and chaukidars should have a right of appeal to the district magistrate. It is only fair that the union boards should have the right of appointing their own servants and they ought to have a good deal of control over dafadars and chaukidars who will be paid out of the funds of the union boards. If the power of their appointment or dismissal does not rest with the union boards they will have very little control over these dafadars and chaukidars. It is said that the district magistrate shall, if satisfied with the nomination of the union board, appoint such nominee ; but in this case those people who have some experience of the rural areas and the working of the Chaukidari Act know that the district magistrate in this country practically means the circle officer or one of the police officers, inasmuch as the district magistrate will practically have no knowledge of the matter and will always abide by the decision of these officers. So what we want to do is to transfer the power from the circle officer to the union board. The powers of appointment, dismissal and punishment should vest with the members of the union board itself who will be primarily responsible for the working of the board and they ought to have some control over their own servants and employees."

The Hon'ble Babu Akhil Chandra Datta said :—

"My Lord, I would like to have your Excellency's ruling as to whether these amendments Nos. 57 and 58 should be discussed together because they are almost identical."

The President said :—

"I think the two amendments are not quite identical : they are slightly different in form. But it might perhaps be convenient to discuss the two at the same time. I can put the amendments separately after the end of the discussion."

The Hon'ble Sir Henry Wheeler said :—

"May I point out that there is an appreciable difference between amendments Nos. 57 and 58, in so far as No. 57 vests the residuary power of the union board in the district magistrate, whereas No. 58 vests the residuary power in the local board, which is a far-reaching change."

*The Bengal Village Self-Government Bill, 1919.**The President; Sir Henry Wheeler.***The President said :—**

"In these circumstances, I think it will be better to take the discussion on each of the amendments separately."

The Hon'ble Sir Henry Wheeler said :—

"My Lord, this amendment, as the Hon'ble Maulvi Abul Kasem has said, is one of some importance. It raises a very ancient controversy in this province—a controversy in which there have always been two schools of thought, but a controversy which has decided itself on the lines that are now in force as the result of practical experience of the contrary method. The issue is whether the chaukidars and dafadars are to be nominated by the union boards and appointed by the district magistrate, if satisfied with the nomination, which is what the Bill provides, or whether the right of appointment is to vest absolutely in the union board, leaving the magistrate only a right of intervention if they fail to appoint. Similarly, whether the right of dismissal should vest absolutely in the union board, leaving the district magistrate only the right of intervention on appeal. The Bill, as it stands, only enacts the existing position; in respect of dafadars the original Bill did propose a change which would have vested their appointment and punishment absolutely with the district magistrate—a change which could be advocated and justified: but on reconsideration, bearing in mind the fact that this is not primarily an Act to amend the chaukidari law, we thought it preferable to waive any proposals for change, and to adhere to the existing position, and I would like to emphasize the fact that the Bill merely provides for the continuance of the existing state of affairs.

I am afraid I must deal in some detail with this matter, especially as it is one of such long standing in Bengal; and I shall have occasion to read quotations from various past papers, partly because they put the matter clearly and succinctly, and partly because I would like to bring home to the Council that all these arguments that are used now are arguments which have been weighed and considered in the past, and in the light of those discussions the present procedure has been explicitly adopted. I will read first from the report of the District Administration Committee. They say—

"The question of the nature of the control which should be exercised over the village watch is one on which there has always been a great conflict of opinion in Bengal, for, while some would consider the chaukidars essentially village servants, as in Madras, Bombay and the Central Provinces, others would like to see them placed in greater subordination to the regular police, only the assessment and collection of the chaukidari tax being left in the hands of the panchayets. Others, again, would prefer that the chaukidars should be paid from provincial revenues being made directly subordinate to the regular police and entirely emancipated from village influences. The policy of dual control, which has hitherto been adopted in Bengal, is in the nature of a compromise between the two extreme views, but the extent of the control exercised over the chaukidars by the panchayets and the police, respectively, has varied at different times and in different places. It is unnecessary for us to dwell at any length on the early history of this question. The theory that the village watch is a municipal institution was definitely adopted after much controversy in 1870, and Act VI of that year is based on the assumption that the chaukidar is purely a village servant, employed for the protection of the lives and property of the villagers and looking to the village community for the regular payment of the remuneration to which he is entitled. His chief duties under the Act, as they had been under Regulation XX of 1817, were to give prompt information to the police of all criminal attempts or occurrences in the village, as well as of the movements of bad characters, and to arrest proclaimed offenders or persons taken in the act. He was also bound to assist the panchayet in the collection of the chaukidari tax. Watch and ward occupied a position of secondary importance. At first the appointment, punishment and dismissal of the chaukidars were left in the hands of the panchayets, but the tendency of later legislation was in the direction of strengthening the control of the Magistrate and police over the panchayets and the chaukidars; and, under Act I of 1892, the power of appointing, punishing and dismissing chaukidars, as well as of determining their numbers and fixing their salaries has been vested in the District Magistrate, who, with the sanction of the Commissioner, can delegate this power to any Subdivisional Magistrate or Magistrate of the first class or to the District Superintendent of Police.

*The Bengal Village Self-Government Bill, 1919.**The President; Sir Henry Wheeler.*

We need not follow the different steps that have since been taken from time to time to restore police influence in the villages and to secure closer control over the work of panchayats and chukidars. The system of dual control has been accepted by the great majority of the witnesses, both official and non-official, whom we have examined.

"There are some who contend that the system of dual control over the chukidars has failed in Bengal, and that it is useless to continue it, but this, to whatever extent it may be true, is due to the weakness and inefficiency of the panchayats and to the absence of any real effort in the past to improve their position and secure their co-operation, which is so essential to effective police work in the villages. Reform should begin with the panchayats, and we think that it would be unwise, now that it is proposed to make a real effort through the circle scheme to introduce an improved system of village administration, to do anything at the outset which would be likely to weaken the tie between the rural police and the community whom they serve. At the same time we recognise that it would be dangerous if anything were done to render police action in the villages less effective, especially in the Eastern Bengal districts, and to deprive the police of the assistance of the chukidars."

That extract, Sir, summarises the position and emphasises the point that the situation in Bengal in this matter is a compromise: at one time greater powers were given to the panchayats in the matter of the appointment and dismissal of chukidars; but in the light of experience, they were withdrawn by the amending Act of 1892. The experience since gained has shown that the dual system works fairly well, and it has not demonstrated the desirability of amending it, while it has also shown—as mentioned by the District Administration Committee in their report—the possible dangers of seeking an alteration.

The same point was also gone into at some length in the debates in the Bengal Council when the Act of 1892 was passed. These discussions too give some interesting facts about the theory of chukidari administration in Bengal, and if I weary the Council with them now, it is partly with reference also to other amendments which are on the agenda paper, and which cannot be appreciated unless the position is fully understood. It is interesting too to note that the discussions of 1892 were largely in the hands of Sir Henry Cotton, and it cannot be said that Sir Henry Cotton was a man who was excessively in sympathy with police as opposed to popular administration. In introducing this Act of 1892, Sir Henry Cotton said as follows:—

"The village watch of Bengal, as of all India, is one of the oldest institutions of the country connected with the village system itself, and the village watchman of ancient Hindu times is substantially the counterpart of the village watchman, as he is recognised by existing legislation; that is to say, the village watchman is ordinarily a member of an hereditary thieving caste, and responsible for his behaviour to no one except to the village community by whom he is maintained. That was the constitution of the village watch in ancient Hindu times, and it is practically the constitution of the village watch at the present day. Under the Mogul administration there was some change effected. The character of the Mogul Government was eminently fiscal, and the village watchman, instead of being the village servant, became to a very large extent the servant of the zamindar, and that dual-position remained for a very long time under British rule, and still remains in all parts of the country where Act VI of 1870 has not been enforced. The object of Act VI of 1870 was to place the village watch everywhere under the control of the village organization."

After referring to this doctrine of the village chukidar as the village servant, he goes on to say:—

"The Bill, I have now the honour to place before you, introduces a modification of this principle. It is my own view strongly, and it is the view of the present Government, that the police is a branch of the administration which ought to be brought into closer relations with the Government."

"The present Bill is a slight step in this direction—not a very decisive step perhaps—for it does not pretend to be more than a very gradual and small measure, but it is a step

*The Bengal Village Self-Government Bill, 1919.**Sir Henry Wheeler.*

in the direction of centralizing police administration, and of bringing the village watch much more than it now is under the immediate supervision of the District Magistrate who represents the Government in the *muffassal*."

"In Bengal we do not go so far as to desire that the village watch of this country shall altogether disappear, and we wish to adhere to the only sound element of the *chaukidari* system, viz., that of retaining the local knowledge of men resident in the village in which they are to be employed; but we do desire to modify it materially, and the direction this modification takes is by placing the village watch more under executive authority than it now is."

"At present the panchayat, which is in other words the representative of the village community, not only appoints the *chaukidars*, but has authority under the law to decide within specified limits how many *chaukidars* shall be employed and to fix their salaries. On these three main points the power and authority of the panchayat is curtailed by the present Bill. It is proposed to allow the panchayat to nominate, but the appointment of the village watch will rest in future with the District Magistrate. It is laid down also that the Magistrate and not the panchayat shall determine the number of *chaukidars* within specified limits. This is a proviso which experience has shown to be very necessary. The law authorises the panchayat now to fix the number of *chaukidars*, and in practice it has been found that they reduce the number, and the Magistrate has been obliged to interfere to maintain the minimum number of *chaukidars* prescribed by law. They have done so without any specific legal authority, but it is only in this way that the full number of *chaukidars* has been maintained. Under the present Bill, the Magistrate is vested with the power he has hitherto informally exercised. Similarly, it is proposed—and this is a point of at least equal importance—that the Magistrate shall fix the salary of the *chaukidar*. The salary is now fixed by the panchayat, and the tendency is to fix it at a rate so low as to be below the standard of efficiency."

In other words there was a certain position created by the Act of 1870, and after 20 years' experience of that system, during which it was enquired into by two committees—one presided over by Mr. Beames and the other by Mr. Munro—and in the light of the enquiries of these two committees and the failure of the system to which they drew attention, Sir Henry Cotton introduced the Act of 1892, and in connection with it he said:—

"Is it a fact that in those districts in Bengal in which that Act has been introduced and in which panchayats have worked, the *chaukidari* system has been more successful, than it has been elsewhere? I am not aware that the experience of any Member of this Council will be able to answer that question in the affirmative. On the contrary, as far as the control of the *chaukidar* is concerned, as far as all police work is concerned, panchayats practically have no existence. They have done no good whatever, they have been of no use. But they have done one thing. There is no doubt that they have assessed and collected the *chaukidari* rate, and have paid the *chaukidars* within the villages where they exist. There is no doubt that the *chaukidars* where there is a panchayat are better paid than in other parts of Bengal where panchayats have not yet been legalised. That is true. As regards any other respect, police work proper, executive control, the panchayat has been useless, and that is the opinion of everyone with the one exception of Mr. Westmacott, who has enquired into the matter. In the very section of the Police Committee's report from which my hon'ble friend quoted just now, I find it stated:—'It will thus be seen that, though the law contemplates that the determination of the number of *chaukidars* shall be left to the panchayat, it has everywhere been found necessary, in the interest of the public, for the Magistrate to interfere to secure the proper performance of this duty by the panchayat.' If it is the deliberate verdict of the Police Committee that the panchayats have nowhere done their duty except when compelled to do it by the interference of the Magistrate, how can any member of this Council say that the institution of the panchayat for such purposes, namely, fixing the number and salary of the *chaukidar* has been a success? It is because it has been such a flagrant failure that the Committee was appointed by the Government, on whose recommendations radical modifications in the law, which the Local Government has more than once attempted to carry, but I regret to say have abandoned owing to a storm of prejudice and ignorance, are now proposed as being thoroughly necessary."

"Therefore, Sir, the point I would emphasise by these quotations is that the old system which this amendment seeks to restore was definitely condemned after 22 years' working and replaced by the existing system which the Bill perpetuates."

*The Bengal Village Self-Government Bill, 1919.**Sir Deba Prasad Sarbadhikari ; Rai Radha Charan Pal Bahadur.*

Sir Henry Cotton's remarks constitute an authoritative pronouncement as to the failure of the system which the amendment would advocate, and they afford sufficient justification for adopting the line which we have done in the Bill, namely, that in this matter of the chaukidari administration we will not make any change in the existing practice. Whether such a change may come hereafter we cannot say. It will have been noticed from the extracts which I have read that constant reference is made to the inefficiency and failure of the old panchayets. We hope with these union boards to secure stronger and more efficient bodies, and it may so happen that if these bodies prove themselves efficient, it may be possible to modify the present practice in the matter of control over chaukidars. But whether this will happen I cannot say. It is a matter for the future, but all I do say is that, as matters stand at present, the considerations which I have adduced justify to my mind our doing what we propose to do, i.e., continuing the present practice without alteration, and I am not prepared to accept an amendment which puts us back to the Act of 1870, which after 22 years' experience was ultimately condemned."

The Hon'ble Sir Deba Prasad Sarbadhikari said :—

"My Lord, I am afraid that the panchayeti system, even on the high authority of Sir Henry Cotton, which is 22 years old, will not now avail. Things have been moving fast in this country, as all over the world, and in order to have energetic action we are going to have a new body altogether. And if you want them to be efficient and do effective work you must give them real power. If they are merely to send up the names of chaukidars and dafadars and if the District Magistrate is to appoint them, I think that will be taking away much of that which would go to make them useful bodies. There may be some need for supervision; but we must not forget that it is not panchayets that we are dealing with—but altogether a different thing. The change has become necessary as it is felt that the body that was administering that important part of village policing was not quite up to the mark. Therefore, we are bringing in a better body of men in charge of this duty and other duties. It would be hardly proper and right to take away from them the most important part of the duty and to expect them to look after the police work up to the required standard. I should think that as the amendment seeks to impose on them the power of appointing their own servants as a beginning, Government should very carefully consider the situation before throwing it out."

The Hon'ble Rai Radha Charan Pal Bahadur said :—

"My Lord, I have followed with great interest the long and luminous speech of Sir Henry Wheeler and, following the last speaker Sir Deba Prasad Sarbadhikari, I should say that notwithstanding the signs of progress that we see on all sides, Government seem to be, at least in this matter, as unprogressive as can be imagined. In 1870 an Act was passed enabling Village Committees to appoint chaukidars: in 1892 owing to certain reports that were made by Sir James Munro, Inspector-General of Police, and Mr. John Beames who was, I believe, subsequently a Commissioner of a Division, Government thought fit to take away that power by the Act of 1892 and vested it in the District Magistrate. That was in 1892, and this is, my Lord, 1919. I do not know, my Lord, what tremendous change has been made in the Government, in the views of the responsible authorities over our affairs and in the administration of the country; well nigh 27 years have passed away since the Act of 1892 was passed. The name of Sir Henry Cotton was conjured up to silence the critics, because Sir Henry Cotton was known to be in favour of progressive government in this country. But it must not be forgotten—and, I believe, the Hon'ble Sir Henry Wheeler will himself admit—that the position of a responsible officer of Government is

*The Bengal Village Self-Government Bill, 1919.**Rai Mahendra Chandra Mitra Bahadur.*

quite different from the position of the gentleman divested of the position which he officially occupied at the time. Perhaps I may not be mistaken if I say that the views of the Hon'ble Sir Henry Wheeler as a Member of the Executive Council of your Government would be greatly different from those of Sir Henry Wheeler in his retirement—whether living amongst us in this country or in his own home. Therefore, I do not think that the views of Sir Henry Cotton as expressed in his official capacity and uttered some 29 years ago need be taken much into consideration. My Lord, I was reading the opinion of Rai Baikuntha Nath Sen Bahadur, a very calm, moderate and experienced gentleman—a gentleman who has even in his old age taken the greatest interest in the local affairs of his country. He said: "It is a shadowy measure of self-Government: it is far better that such a measure should be withdrawn rather than presented to the people." My Lord, great changes have been made and the people have now progressed beyond our conception during the last 27 years, and I think that time has come when they should be trusted to appoint chaukidars. I believe the pay of these chaukidars ranges from Rs. 4 to Rs. 6 a month and that of dafadars from Rs. 8 to Rs. 10 and if there is any abuse of power, I am sure the various provisions in this Bill would be found to be ample safeguards.

"You have got ample power under the clauses of this Bill and therefore I do not think there need be any apprehension on this score. You are vesting the people with a modicum of self-Government, but the people cannot appoint a chaukidar on Rs. 4 a month without the sanction of the Circle Officer—a Sub-Deputy Collector—to whom this function will be delegated by the District Magistrate under the schedule of this Act. That will make the union boards merely *jo-hukum* bodies to the Police Superintendent or the Circle Officer. I appeal to your Excellency, in view of the impending constitutional reforms, to make these small rural bodies realize that they have some semblance of power. And unless they are allowed to realize this they will always remain *jo-hukum* bodies to the authorities. These bodies will be composed of timid *muffassal* people and they will never abuse their power. If this simple power is not given to them, they will not venture to go against the district magistrate. They will tremble in their shoes before him and the police superintendent and the Circle Officer as if their authorities are paramount. Their influence will be demoralizing to the Boards if they are made to realize that under the British Government they cannot appoint half-a-dozen chaukidars on Rs. 4 or Rs. 6 a month."

The Hon'ble Rai Mahendra Chandra Mitra Bahadur said :—

"My Lord, I have to say a few words in this connection. If the panchayat or the union board comes to know that they cannot appoint a chaukidar and that the chaukidar will be under the supervision of the Police Superintendent or the District Magistrate, the union board will lose its prestige. My Lord, this is an important point and many persons of light and leading want to have the union board independent of the District Magistrate. It was for this reason that I was advocating that men possessing educational qualifications ought to come into the board, and if they joined the board there would be no necessity of the interference by the district magistrate. Your Excellency will remember the opening speech of Lord Sinha delivered at the time of the introduction of this Bill, and he brought to the notice of the Council that there would not be any undue interference by the police. If there be any undue influence on the part of the police, then I do not think, my Lord, that the prosperity of the union boards can ever be hoped for. I beg respectfully to submit that although it may be argued that District Magistrates ought to have some influence over the doings of the union boards, at the same time, it must be conceded that the boards should not be unduly interfered with their work by the District Magistrate. If there be interference, there is no necessity for self-government."

*The Bengal Village Self-Government Bill, 1919.**Maulvi Abul Kasem; Sir Henry Wheeler.***The Hon'ble Maulvi Abul Kasem** said :—

"My Lord, I am sorry the amendment as moved was not acceptable to the Hon'ble Member in charge. I am at present not concerned with the progress but the success of the union boards. And in order to make the union boards successful, it is necessary to vest them with a certain semblance of power which will develop in them a certain sense of responsibility. A good deal of literature has been read out and opinions have been quoted—opinions expressed so far back as 1892. But since 1892 much water has flown under the Howrah Bridge and many changes have taken place. The opinions of the late Sir Henry Cotton or the Decentralization Commission about the panchayats can have no bearing on this subject, as those panchayats have no resemblance with the union boards to be formed under this Bill. There will be quite different bodies as has been stated by the Hon'ble Sir Henry Wheeler only this morning, in connection with another amendment. The members of the panchayats as also the President are themselves the nominees of the District Magistrate and it matters very little whether the chaukidars or dafadars are nominated by the one or the other. But the union boards will be vested with much more power, and they will have a larger variety of work to perform than the collection of the chaukidari tax and the distribution of the salaries of dafadars and chaukidars. The present panchayati work is very simple—to realize the tax, to send it over for payment to the chaukidars and to submit certain reports and figures when asked upon to do so by the District Officer or the Police Superintendent. But the union boards will have much larger powers and if they are not vested with the power of appointing their own servants—or these chaukidars although they may be *quasi*-policemen or regular policemen, they will be servants of the union boards all the same, as they will not only be paid by them but also controlled by them—then they will find considerable difficulty in carrying on their work with the aid of men whom they have no power to appoint. It has been said that the panchayats were vested with this power, but the arrangement has proved a failure. If the panchayats who were appointed by nomination and, the panchayats formed under a system introduced 30 or 40 years back were a failure that is no reason why their successors, the members of the union boards who are to be elected under this Bill, should not be vested with this small power. Failure and success are not the only tests by which we should be governed in the matter of administration. It must be admitted that in the matter of industrial development of the country or in the matter of sanitary improvement the Government of India and the Local Governments have not proved so successful, but nobody suggests that these departments should be taken charge of by the Secretary of State and that the Imperial and Local Governments should not be allowed to be in charge of them. I submit that in order to develop a sense of responsibility in them these union boards should be vested with some power which is absolutely necessary in order to make them responsible bodies. Otherwise, there will be only village self-Government in name without any responsibility. I hope and trust that your Excellency's Government will accept the amendment. Of course, there must be general supervision by the authorities, but that must be from outside and must be consistent with the principle of self-Government."

The Hon'ble Sir Henry Wheeler said :—

"May I add a word, in the hope that it will help to bring us down from the realms of fancy to those of fact. We have heard from the Hon'ble Maulvi Abul Kasem a good deal about the desirability of giving these union boards even a semblance of power. The Hon'ble Rai Radha Charan Pal Bahadur has abjured us not to take all power from the union boards so that

*The Bengal Village Self-Government Bill, 1919.**Sir Henry Wheeler.*

they will stand trembling before the circle officer or the sub-divisional officer. But what are the facts in regard to this particular matter of appointing chaukidars? At present, and under the law as we propose it, the nomination of chaukidars rests with the union board. They submit their nomination to the District Magistrate, and if the District Magistrate is satisfied that the nominee is suitable, he appoints him; it is only on the failure to nominate that the District Magistrate takes the place of the union board. Surely that allows a considerable power of appointment to the union board, and it can scarcely be said that they have no hand in the appointment of chaukidars. They have the nomination of the chaukidar in their hands. The only control that the Bill mentions is that the District Magistrate is allowed to satisfy himself that the union board nominee is a suitable nominee, and I have endeavoured to point out that it is in the light of past experience that this curious dual position which we have in Bengal has resulted, under which a modicum of control is retained. The Bill now before us, in its main aspects, is a Municipal Bill, and the more important functions of the union board will be those connected with the improvement of the villages. It so happens that this chaukidari side has been grafted on to the Bill because it was thought desirable to create one single authoritative village body in place of the old chaukidari panchayats and the local self-Government union committees. In that way the chaukidari administration has been brought in, but it is not the primary object of the Bill, and I venture to say that it will prejudice the success of local self-Government if we embroil these village bodies in this controversial matter of the control over chaukidars.

"The only other point to which I would refer is in answer both to the Hon'ble Sir Jeeba Prasad Sarbadhikari and the Hon'ble Maulvi Abul Kasem in the criticism that they have made against my remarks, namely, that I am seeking to support the position of the present day by arguments of 20 years ago, since when the position has changed materially. In answer to that, may I read another extract from the report of the District Administration Committee which made its enquiries in 1913-14? It is not the case that Government have sat still in this matter; there have always been two schools of thought with regard to chaukidars, and in the report of the Police Commission, the village side of the chaukidar's functions was brought into prominence, following which special inquiries were conducted by Mr. Savage who was a strong advocate on that side. His main idea was to secure a better class of men for the village panchayat—men better fitted to be entrusted with more supervision over the chaukidars. I happened to take on the inquiry after him, and during the cold weather of 1905-06 I toured throughout the entire province, looking into the administration. Therefore, in a small way, I also have seen something of the true facts. As a result of Mr. Savage's inquiries more powers were given in certain villages to the panchayats over the chaukidars, and I had better read the report of the District Administration Committee as to the results. They said:—

"The Indian Police Commission of 1902-03 deplored the increasing tendency to departmentalise the rural police; and the president system, introduced by Mr. Savage two years later, was designed with the object of freeing the panchayats from police influence and of emphasising the essential character of the chaukidar as a village servant, while leaving him subject to the control of the Magistrate and the police in regard to his police duties. The success of the system depended on the willing co-operation of the panchayats, and it failed because the necessary supervision was never forthcoming. For the next few years the annual reports on the working of the police in Bengal and in Eastern Bengal and Assam contain references to the injurious effects of the system on police administration, especially in the eastern districts; and many officers complained that it had merely transferred the control over the chaukidars from one authority to another less capable of exercising it, with a very distinct loss of knowledge and efficiency on the part of the police."

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"That, Sir, is an up-to-date argument in favour of my contention that we should maintain the law as it is, and not seek at this moment to make a change the consequences of which might be serious and undesirable."

A division was then taken with the following result :—

<i>Ayes—18.</i>		<i>Noes—23.</i>	
The Hon'ble	Sir Nilratan Sarkar, Kt.	The Hon'ble	Sir Henry Wheeler, K.C.I.E., C.S.I.
"	" Mr. Provash Chunder Mitter, C.I.E.	"	" Mr. J. G. Cumming, C.S.I., C.I.E.
"	" Kumar Shib Shekhareswar Ray.	"	" Sir Bijay Chand Mahtab, K.C.S.I., K.C.I.E., I.O.M., Maharajadhiraja Bahadur of Bardwan.
"	" Mr. Arun Chandra Singha.	"	" Mr. J. H. Kerr, C.S.I., C.I.E.
"	" Sir Deba Prasad Sarbadhikari, Kt., C.I.E.	"	" Mr. C. J. Stevenson-Moore, C.V.O.
"	" Rai Debender Chunder Ghose Bahadur.	"	" Mr. F. C. French, C.S.I.
"	" Rai Radha Charan Pal Bahadur.	"	" Mr. J. Donald, C.I.E.
"	" Mr. W. H. Phelps.	"	" Mr. L. S. S. O'Malley, C.I.E.
"	" Dr. Abdulla-al-Mamun Suhrawardy.	"	" Mr. H. P. Duval.
"	" Maulvi Abul Kasem.	"	" Mr. M. C. McAlpin.
"	" Khan Sahib Aman Ali.	"	" Mr. F. A. A. Cowley.
"	" Babu Bhabendra Chandra Ray.	"	" Col. J. K. Close, M.D., I.M.S.
"	" Rai Sri Nath Ray Bahadur.	"	" Mr. W. C. Wordsworth.
"	" Babu Akhil Chandra Datta.	"	" Mr. C. F. Payne.
"	" Rai Mahendra Chandra Mitra Bahadur.	"	" Mr. S. G. Hart.
"	" Babu Mahendra Nath Ray, C.I.E.	"	" Khan Bahadur Maulvi Aminul Islam.
"	" Babu Kishori Mohan Chaudhuri.	"	" Sir Rajendra Nath Mookerjee, K.C.I.E.
"	" Babu Ambika Charan Mazumdar.	"	" Mr. R. V. Mansell, O.B.E.
		"	" Mr. W. H. H. Arden-Wood, C.I.E.
		"	" Mr. Aminur Rahman.
		"	" Mr. L. V. N. Meares.
		"	" Mr. W. E. Crum, O.B.E.
		"	" Mr. G. A. Bayley.

The following members were absent :—

The Hon'ble the Nawab Bahadur of Murshidabad.	
"	" Raja Hrishikesh Laha, C.I.E.
"	" Babu Siv Narayan Mukharji.
"	" Babu Brojendra Kishor Ray Chaudhuri.
"	" Mr. F. W. Carter, C.I.E., C.B.E.
"	" Mr. H. R. A. Irwin, C.I.E.
"	" Mr. M. Ashraf Ali Khan Chaudhuri.
"	" Maulvi A. K. Fazl-ul-Haq.
"	" Mr. Altaf Ali.
"	" Babu Surendra Nath Ray.
"	" Mr. K. B. Dutt.

The *Ayes* being 18 and the *Noes* 23 the motion was lost.

AMENDMENT No. 58.

The Hon'ble Babu Akhil Chandra Datta moved that for clause 22A (now clause 20) the following be substituted, namely :—

"22A (1) The union board shall appoint such person as it considers fit to be a dafadar under this Act, and shall, when a vacancy exists, appoint a person to be a chaukidar under this Act :

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Provided that, if the union board fails within a reasonable time to appoint a dafadar or a chaukidar, the local board shall make the appointment.

(2) The union board may dismiss any dafadar or chaukidar :

Provided that a dismissed dafadar or chaukidar shall have the right to appeal against the order of dismissal to the local board."

He said :—

"My Lord, as has been very justly remarked by the Hon'ble Sir Henry Wheeler with reference to the previous amendment this is a very important matter, and I propose to give my reason in respect of this amendment at some length. The Indian Police Commission of 1902-03, very truly observed that the great defects in the efforts made in all the provinces of India to establish a sound system of village police have been their want of clearly defined principle and their spasmodic nature. Before, therefore, discussing the several provisions of the Bill regarding the dafadars and chaukidars, it is essentially necessary to formulate clearly the policy and principle upon which the village police system should be based. The different sections deal with matters of detail. Once the fundamental principle is decided, there will be no difficulty about the details. Much misconception and controversy will disappear if we hold steadfastly to that principle. The initial question is—What is the object of this institution? What is their real function? Whose servants are they? Are they the servants of the villagers or of the regular police? What is their position with respect to the villagers on one side and the regular police on the other?

"These questions, though very important, are not of first impression. In fact, they are almost as old as the British Empire in India. I, therefore, propose to review the history of the village police system in this country, for I believe that this study will help us in all the controversies which have now clustered round the important question of village police. Originally, the village police were subject to the control of the zemindars. But in 1793, the village watchmen were (by section 13 of Regulation XXII of that year) declared subject to the orders of the newly appointed darogas and became practically the servants of the regular police. But the system did not work well, and a committee was appointed to consider the question of the reform of the village police. The very important and interesting question arose whether the village police was a municipal institution or the lowest rung of the ladder of the regular police. The principle that the village watch is a municipal institution was definitely adopted after much controversy and the result was the Chaukidari Act, 1870. This Act was based on the principle that the chaukidar was purely a village servant. The appointment, punishment and dismissal of the chaukidars were placed in the hands of the panchayats. In fact, this Act was framed in a spirit of entire trust in the village community. But although the municipal character of the rural police was recognised as a matter of theory, the attempt to develop a sound system of village police was marred by certain unsuitable provisions of the law—provisions which were not in keeping with the underlying principle of the Act. But what is more regrettable, a fair trial was not given to the system inaugurated by Act VI of 1870. It was not worked with anything like enthusiasm by the district officers. The Police Commission of 1902-03 attributed the failure of the panchayat system to this lack of interest. There was not only indifference and apathy but positive antipathy. In 1881, Mr. Munro, C.B. (then Inspector-General of Police) suggested the appointment of a commission to reconsider the whole question of village police. The recommendation of this commission, submitted in 1883, led to certain amendments of the law and finally to the passing of Act I of 1892. This Act reversed the principle underlying its predecessor that the control of the

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village police was to rest with the villagers. The keynote of this retrograde legislation is to be found in the words of the member in charge who remarked 'the inhabitants of a village have no claim to a municipal administration in any respect, still less have they any claim to control the police.'

"The power of appointing the chaukidars, punishing them, determining their number and fixing their salary was transferred from the panchayat to the District Magistrate who invariably delegated these powers to the Superintendent of Police. This was reaction with vengeance and the result was that the chaukidar again became a servant of the police. Ten years after, the question came up again before the Police Commission who strongly condemned the tendency to departmentalize the rural police. They reaffirmed the old municipal theory that the village watchman ought to be a village servant, subordinate to the members of the village council and not to the regular police. The Commission observed :—

'The Commission desire to emphasise their conviction that the village police ought not to be separated from the village organisation and placed under the regular police. They desire to see, not a body of low-paid stipendiaries or subordinate police scattered over the country, but the utilisation of the village agency itself. The village is the unit of administration. Improved administration lies in teaching the village communities to take an active interest in their own affairs. * * * * The Commission consider it to be of vital importance to emphasise the responsibility of the village headmen, and to hold the village officer responsible rather as the subordinate of the village headman and his servant for the performance of public functions. To place the village police officer under the control of the station-house officer would be to subvert the system in its essential principle and often to place the drags of the people over the respectable classes. The village watchman would become the menial servant of the police and probably become unscrupulous in his methods. He would work apart from, and often against, the village head. The Commission also remarked that the system introduced by Act I of 1892 was certainly not a system of village police as generally understood. It is more of the nature of a low-paid regular constabulary.'

"They condemned the transfer of control over the chowkidars from the panchayats to the District Magistrate as a most serious defect of the system. These principles were accepted by the Government of India without any reservation in paragraph 9 of Resolution No. 248-259, dated 21st March 1905—on the Commissioners' Report. The Government of Bengal as well as the late Government of Eastern Bengal and Assam also expressed their entire concurrence with the views of the Commission. They were adopted by the other provinces also.

"The recommendations of the Police Commission were not absolutely fruitless. For in 1904 Mr. Savage was placed on special duty and introduced the president system which sought to free the panchayats from police influence and emphasised the essential character of the chaukidar as a village servant. But the advance really made was more illusory than real; for we find that although the chaukidars were required to parade before the president at stated intervals, the regular parades at the thana were not dispensed with. Even this slight advance was resented by the police. What is more regrettable is that a hue and cry was raised against this modicum of reform in more responsible quarters. For the next few years the annual reports on the working of the police in Bengal emphasised the injurious effects of the president system on police administration and we are told that the influence of police in the villages was seriously weakened. To us it comes like a startling, re-startling revelation that the influence and power of police ever weakened at any time after 1904. The agitation of the police and their supporters was, however, too powerful for the Government to resist. It will not serve any

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useful purpose to discuss the different steps that have since been taken from time to time to restore police influence in the villages and secure closer control over the work of the panchayets and the chaukidars. Suffice it to say that the hand of the clock was given a set-back and some of the functions, including the holding of parades of chaukidars, had to be transferred from the president to the thana police. Thus, the considered verdict of the Police Commission and the Government of India strongly condemning the old plea for departmentalizing the rural police was quietly brushed aside with the result that the chaukidars to-day are essentially police servants. This is a typical case illustrating our old complaint that the wise and statesman-like decisions of the Government are not infrequently rendered nugatory by people whose narrow and personal interests and whose love of power make them blind to the interests of the people and State. This and this alone can explain why the police have now a voice in the appointment of chaukidars, why ordinary and pay parades of the chaukidars are held at the thana and why the dafadar has been made a police officer and placed entirely under the superintendence of the police, the verdict of the Police Commission notwithstanding. The system of dual-control is based on a vicious principle. It is an elementary and immutable truth that one cannot serve two masters. The salaries and cost of equipments of chaukidars and dafadars will be paid by the villagers by local and compulsory taxation and shall be the first charge upon the union fund. It is, therefore, only just and proper that they should be essentially and completely village servants appointed by the union board, dismissed by the union board and punished by the union board. There is something very incongruous and fantastic in the idea that the villagers shall pay the salaries but will not have the power to appoint or dismiss or punish. Very important municipal, judicial and executive powers are now proposed to be conferred upon the union board. These are duties which they cannot perform without the loyal assistance of the dafadars and chaukidars. Clause 28A (now clause 26), therefore, has had to provide that the union board shall exercise a general control over the dafadars and chaukidars. But it passes our comprehension how the union board can exercise an effectual control over the dafadar and chaukidar unless the board is invested with the powers of appointment, dismissal and punishment. The remarks of the District Magistrate of Hooghly in this connection are very pertinent. He says 'practical experience has shown that the dafadars do not very often obey the chaukidari panchayats properly, as the latter have no power of punishment'. The expression 'general control' in clause 28A (now clause 26), may mean anything or nothing. We have got the said provision in section 41 of the Chaukidari Act, giving a general control over the chaukidars to the panchayet. But it is an admitted fact that they exercise no control over them. The system of dual-control was condemned even when the activities of the panchayet were of a very limited and restricted character. The objections to departmentalizing the rural police must, therefore, be very much stronger now, in view of the enlarged powers and extended activities of the village community.

The chaukidars are essentially village servants in Madras, Bombay and the Central Provinces. It is only in Bengal that there is a keen feeling that the dafadar and chaukidar should be placed in subordination to the police. Now the system of dual-control as it obtains in Bengal is only an ill-assorted compromise between the two conflicting schools of thought.

There is a consensus of opinion both official and non-official that the system of dual-control has been given a trial for a long time and that it has failed. Why then perpetuate the old blunder? What should be the position of the village watch in their relations to the village community on the one hand and to the regular police on the other? Let us face the problem manfully, let us make up our minds once and for all on this troublesome question, let us decide this question this way or that way, let us not fight shy of this problem,

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let us give our verdict either in favour of the union board or in favour of the police, let us by all means avoid legislation of an indecisive and half-hearted character. Allow me to quote the opinion of the District Magistrate of Maldah. * * * 'clause 24 seems to me positively a retrograde step. Under section 35 of the Chaudhari Act, both dafadar and chaudhari are to be nominated by the panchayet and, if satisfied with such nomination, the District Magistrate may appoint them. According to the recent Chaudhari Manual, the chaudharis are almost entirely controlled by the police. The new Bill appears to continue this complete police control of the chaudharis * * *. In order to ascertain whether the nominee for chaudhari is satisfactory, the Magistrate will naturally turn to the report of the local Sub-inspector. Similarly, the power of dismissal and punishment rests with the District Magistrate who will naturally base his order on police reports. Yet clause 22 (1) (a) states that the 'village committee shall exercise a general control over dafadars and chaudharis of the village'. How they will be able to exercise any control is hardly apparent. The proposal is to have a double-control, but it is certain if these provisions become law, there will be only one control, and that by the police. From the police point of view it is excellent, but it is doubtful whether it will help to evolve the idea of village self-government for which the Bill is intended."

The Hon'ble Sir Henry Wheeler said :—

"My Lord, this amendment, in one aspect, is precisely the same as that which has just been moved and negatived and, on that aspect, I propose to say little. Like the last amendment it is now proposed that, in place of the right of nomination which they now possess, the union boards should be given the absolute right of appointment of dafadars and chaudharis; and in place of the right of dismissal which, subject to the approval of the District Magistrate, they now possess, they should be given an absolute right of dismissal. In the course of my reply to the previous amendment, I pointed out my objections to such a change, and those objections hold good in this case also. I do not, therefore, repeat them. But in one respect this amendment differs substantially from its predecessor, inasmuch as the latter proposed that, apart from these changes, the residuary powers of the union boards should remain, as now, with the District Magistrate. But this amendment goes further and says that the residuary powers should vest in the local boards, while the chaudharis should have a right of appeal against dismissal not to the District Magistrate but to the local board.

The question of chaudhari administration in Bengal, as I have said, is an ancient controversy about which there have been always two opinions, namely, as to what extent the chaudhari should be regarded as a village servant, and to what extent, in the interests of efficient administration, the District Magistrate and the police should be given control over him. On these two lines, the controversy has swayed from side to side during many years; but it has never been alleged in the course of that controversy, nor is it arguable on any historical basis, that the local board should come into the system. The local board is a municipal body which is appointed in connection with local self-government to perform certain municipal functions. It was not created for the purpose of supervision over chaudharis; it has no knowledge of the conditions under which chaudharis work, and, to my mind, it is in all respects unfitted to exercise these functions which the amendment seeks to thrust upon it. Therefore, this amendment is even less acceptable than its predecessor."

The Hon'ble Babu Akhil Chandra Datta said :—

"My Lord, so far as the questions of appointment, dismissal and punishment are concerned, there has been nothing said by Sir Henry Wheeler. Of

*The Bengal Village Self-Government Bill, 1919.**The President ; Maulvi Abul Kasem.*

course, he has given his view of the matter in replying to the preceding amendment. I shall only draw your Excellency's attention and of the Members of the Council to the fact that throughout my speech I did not rely upon my own views in the matter. I tried to show that from 1870 there was a lapse till 1892. Then again the Police Commission sat; and then we come to the District Administration Committee. I have already stated the opinions of the Government of India and the Government of Bengal, and it has been universally held that full control ought to rest with the union board. Now there has been nothing said with regard to that portion of my speech. As regards this proviso that if the union board fails to appoint, the local board shall make the appointment, historically there is no precedent for it and I confess that. But the whole question is who should appoint in the first instance—whether the board or the police or the Magistrate—that is the initial question. Then the further question arises if the union board fails to make the appointment within a reasonable time, whether it is the local board, or the Superintendent of Police or the Circle Officer should appoint. There my contention is this that in view of the provisions of the Bill and the underlying principle of this enactment, the supervision of the union board should be entrusted to the district board and not to the local board. That being a reasonable view about that side of the question as to who should supervise, it follows as a matter of course that it is the local board who should make the appointment. I have already submitted that various duties have now been given to the union boards and these are duties which the union boards cannot possibly perform without the aid of chaukidars and dafadars. The duties are not merely police duties, but also municipal duties and so on. Therefore, under the new law the power should be given to the local board to appoint when the union board fails to make the appointment within a reasonable time."

The motion was then put and lost.

AMENDMENT No. 59.

The President said :—

"Motion No. 59 is substantially the same as No. 57 which has already been decided by the Council.

The motion was then deemed to be withdrawn.

It was as follows :—

The Hon'ble Maulvi Abul Kasem to move that in clause 22A (now clause 20)—

- (a) for the word "nominate" in line 2 of sub-clause (1) of clause 22A the word "appoint" be substituted, and the words "and the District Magistrate shall, if satisfied with such nomination, appoint such nominee" in lines 3, 4 and 5 of the same sub-clause be omitted; and
- (b) for the word "nominate" in line 2 of the proviso to that sub-clause the word "appoint" be substituted, and the words "or, if the District Magistrate is not satisfied with such nomination" in lines 3 and 4 of the same proviso be omitted.

AMENDMENT No. 60.

The Hon'ble Maulvi Abul Kasem had the following motion in his name—
That the words "the District Magistrate or" in line 1 of sub-clause (2) of clause 22A (now clause 20) be omitted, and for the word "with" in line 2 of the same sub-clause the words "subject to" be substituted.

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He said :—

"My Lord, it is only a small change which simply gives the power of dismissal to the union board subject to the sanction of the District Magistrate and makes the chaukidar directly subordinate to the union board. But this amendment will have absolutely no force when the others have been rejected. I, therefore, ask your Excellency's permission to withdraw it."

The motion was then, by leave of the President, withdrawn.

AMENDMENT No. 61.**The Hon'ble Maulvi Abul Kasem** said :—

"My Lord, I do not wish to move the next amendment which stands in the name of the Hon'ble Maulvi A. K. Fazl-ul-Haq. The motion was as follows :—

Clause 23.

If motion No. 57 be not carried, the Hon'ble Maulvi A. K. Fazl-ul-Haq to move that the words 'District Magistrate after consideration of the views of the' in lines 4 and 5 of sub-clause (1) of clause 23 (now clause 21) be omitted.

No other member being willing to move the motion, it was then deemed be withdrawn.

AMENDMENT No. 62.

The Hon'ble Babu Akhil Chandra Datta moved that for the words "District Magistrate" in lines 4 and 5 of sub-clause (1) of clause 23 now clause 21 the words "district board" be substituted.

He said :—

"My Lord, I do not wish to make any remarks. It is just another aspect of the old question as to supervision and control by the district board over the establishment of dafadars and chaukidars."

The Hon'ble Sir Henry Wheeler said :—

"My Lord, I cannot commend the acceptance of this amendment to the Council, as it seeks to make a still more revolutionary and objectionable change. Clause 23 (now clause 21) of the Bill deals with the determination of the numbers and salaries of dafadars and chaukidars, together with the nature and cost of their equipment, and it vests the decision of these questions in the District Magistrate after consideration of the views of the union board. I have briefly indicated how these powers came to be placed in the hands of the District Magistrate after they had been exercised by the old *panchayats*, and it was found that that system had proved unsatisfactory. But the district board has never exercised these powers, and, as I have pointed out with reference to an analogous amendment in connection with the local board, the district board is unfitted to exercise these chaukidari powers, as it does not know anything about the conditions regulating the duties of dafadars and chaukidars, and no arguments can be adduced from history justifying the grant to it of powers over them."

The Hon'ble Babu Akhil Chandra Datta said :—

"My Lord, I have nothing further to add."

The motion was then put and lost.

*The Bengal Village Self-Government Bill, 1919.**Maulvi Abul Kasem; Babu Akhil Chandra Datta; Mr. Kerr.***AMENDMENT No. 63.****The Hon'ble Maulvi Abul Kasem** said :—

"I do not think it is any good moving this amendment. I, therefore, ask your Excellency's permission to withdraw it."

The motion was then, by leave of the President, withdrawn.

The motion was as follows :—

The Hon'ble Maulvi A. K. Fazl-ul-Haq to move that for the words "union board" in lines 2 and 3 of sub-clause (2) of clause 23 (now clause 21) the words "local Government" be substituted.

AMENDMENT No. 64.

The Hon'ble Babu Akhil Chandra Datta moved that after sub-clause (2) of clause 23 (now clause 21) the following be added, namely :—

"(3) The dafadar and chaukidar shall be the servants of, and entirely subordinate to, the union board, and shall exercise such powers and perform such duties as may be prescribed by this Act, under the direct control of the union board."

He said :—

"My Lord, the reason why I move this amendment is to be found in the following extract from paragraph 109 of the Report of the District Administration Committee :—

'In Bengal the Legislature had deliberately decided that in matters of watch and ward the chaukidars are to be subject to the orders of the panchayats, a provision which, we fear, is frequently overlooked, and we think that it is time for the position to be more clearly defined in this respect, for it is interpreted in different ways in different places.'

"So, my Lord, this amendment has got the support of the recommendations of the District Administration Committee."

The Hon'ble Mr. Kerr said :—

"My Lord, after what Sir Henry Wheeler has said in regard to previous amendments regarding the power of appointment of dafadars and chaukidars, I do not think it is necessary for me to explain at length why Government are unable to accept this amendment. It is perfectly true, as the Hon'ble Babu Akhil Chandra Datta has said, that the District Administration Committee expressed or endorsed the view that in matters of watch and ward the chaukidars should be subject to the orders of panchayats, but this amendment goes very much further than that. It says that dafadars and chaukidars shall be the servants of, and entirely subordinate to, the union board, and shall exercise such powers and perform such duties as may be prescribed by this Act, under the direct control of the union board. The effect of this amendment would be to withdraw the dafadars and chaukidars entirely from the control of the district authorities. I would remind the Council that we have in this Presidency outside Calcutta a regular police force of only 20,000 men to a population of 45 millions. The proportion of police to population is very much less than in other provinces, and this may be one of the reasons for the fact that in other provinces the village police are village servants and have little to do with the regular police. In Bengal we can only carry on with our small police force by linking the village police closely to the regular police. If the control of the executive authorities in the district over the rural police were removed it would be necessary to add very largely to

*The Bengal Village Self-Government Bill, 1919.**Babu Akhil Chandra Datta ; Babu Kishori Mohan Chaudhuri.*

the strength of the regular police. I do not know whether this Council would regard that change with approval. I would point out too that we have gone a very long way in entrusting these union boards with the powers which are in the Bill. It is true in a sense that we are only reproducing the provisions of the existing Act in regard to the appointment of chaukidars and dafadars, but from a practical point of view we are going a good deal further. The dafadars and chaukidars are at present nominated by the panchayats, but the panchayats in their turn are usually nominated by the District Magistrate. Now, we are giving the same powers to a body which will be almost entirely elected, and over which the District Magistrate will have much less control than he has over the existing panchayats. I say, therefore, that we have gone a long way in giving powers over the village police to the union boards, and Government are not prepared to go as far as is suggested in this amendment, the effect of which would be to give union boards entire control over the village police and to make the village police useless to the district authorities."

The Hon'ble Babu Akhil Chandra Datta said :—

"My Lord, I think this amendment is opposed on the ground that the result would be that the powers of the district authorities over the chaukidars will be entirely lost.

"I submit that this is not a correct view of the position, because even in these amendments it is laid down that they shall exercise such powers and perform such duties as may be prescribed by this Act, and this Act prescribes various duties which are required of them by the District Magistrate and the other authorities. The only thing that will result from this amendment is this—that it will perform the duties under the direct control of the union board. That makes the only difference. They will certainly be under the indirect control of the authorities, because they will have to perform the duties prescribed by this Act, only the immediate master will be the union board, and through the union board they will serve the district authorities."

The motion was then put and lost.

AMENDMENT No. 65.

The Hon'ble Babu Kishori Mohan Chaudhuri moved that at the end of clause 23 (now clause 21) the following be added, namely :—

"Provided that half the amount of the total sum on account of the salaries of dafadars and chaukidars and the cost of their equipment referred to in sub-section (2) shall be contributed to the union board by the local Government before the end of each financial year, either in one or more instalments, as the local Government think fit."

He said :—

"My Lord, clause 23 (now clause 21) provides the number of dafadars and chaukidars. In this Act it is provided that the equipment and salaries of the chaukidars and dafadars are to be paid by the union board, but I believe the provisions of Act VI of 1870 were not so. In that Act only salaries are mentioned ; there is nothing about equipment. This is an innovation in this Bill. Under the Chaukidari Act it was provided that there should be a chaukidar for a certain number of houses ; that provision has been omitted in this Bill, but owing to the multifarious duties of dafadars and chaukidars, it is probable that their number will be increased. In clause 38 (now clause 37) it is provided that the union board shall impose a certain amount on the villagers to meet the salaries and equipment of dafadars and chaukidars. But in this clause it is stated that the equipment and salaries shall be paid by the union board. Under the circumstances I propose that at the

*The Bengal Village Self-Government Bill, 1919.**Sir Henry Wheeler.*

end of clause 23 (now clause 21), the proviso which I have suggested may be added. Under clause 38 (now clause 37) it is discretionary, but here an additional charge is going to be imposed and it is natural that Government should contribute a definite sum and we should not depend upon the discretionary power of Government, but that they should undertake to pay a certain proportion. In that view I have suggested this proviso, and I hope it will be accepted."

The Hon'ble Sir Henry Wheeler said :—

"My Lord, at present, as is known to the Council, the cost of chaukidars and their equipment is borne by the chaukidari panchayets, and in future it will continue to be so borne by the union boards, under the scheme of the Bill. The Hon'ble Maulvi Fazl-ul-Haq had an amendment—No. 63—which would have thrown the whole of this cost upon the local Government, but the Hon'ble Maulvi Abul Kasem has just told us that he was not prepared to support such a proposal. The Hon'ble Babu Kishori Mohan Chaudhuri, however, is bolder, and he is willing to put forward that proposal to the extent of one-half, which, he says, the local Government should pay. It is not a new idea that Government should thus intervene. May I, therefore, read one or two objections that have been taken to it? We will go back to the District Administration Committee which made the following remarks :—

'Some witnesses have advocated the payment of the chaukidars from provincial revenues, the proceeds of the present chaukidari tax being diverted to purely village purposes, such as sanitation and the improvement of communications and water-supply. The proposal is an attractive one, but, in the present state of provincial finances it is unlikely that it would be seriously entertained. The cost of the rural police force in Bengal amounts to approximately 60 lakhs of rupees annually, or nearly as much as the total of the road and public works cess combined; and it is certain that, if the tax were abolished and the responsibility for the payment of the chaukidars assumed by Government, there would be an immediate agitation for an all-round enhancement of the rates of pay, which are admittedly low everywhere and in some places inadequate. It would be unwise to abolish the only existing form of local rating, especially as it has been accepted by the people and there is no agitation for its abolition, and any attempt to replace it by any other corresponding impost for a different purpose would, it is certain, be very difficult to carry through. . . . The chaukidari tax has the great advantage of being assessed and collected by the people themselves without any intervention on the part of Government, while its elasticity renders it easily adaptable to self-taxation in order to meet the requirements of the village in other directions, such as the improvement of sanitation, communications and water-supply.'

So the District Administration Committee recognized certain obvious objections owing to the large sum of money involved, and even if the Hon'ble Babu Kishori Mohan Chaudhuri's proposal is accepted, it would run to about 30 lakhs of rupees, although that sum would at once increase, because as soon as Government took over the responsibility, they would be asked to pay the chaukidars more. But if Government were to assume this liability, they must obviously find the money somewhere. Now, what does Mr. Cotton say as to where that money is to come from if we are to accept this charge, and his remarks are of particular interest to my zamindar friends on this Council. He said in the course of a debate on the Act of 1892 on the occasion of a similar proposal—

'If this Act were introduced into all villages in Bengal, the total of the chaukidari rate to be collected would amount to a sum of not less than 60 lakhs of rupees. . . .

. . . This is a large sum of money which must be realized by some means, and the Government has considered how it can best be realized. Shall we continue the practice existing of collecting the rate, or shall we devise any other means? We considered what is done in other provinces. Now, what is done in the North-West Provinces? There the chaukidars are paid out of a rate which is levied on the zamindars for the purpose of paying for local objects—for communications, for dispensaries and many other purposes—and the law expressly says the village police are to be paid from it. A sum equivalent to 10 per cent. on the land revenue paid by the zamindar is the rate levied for such purposes in temporarily-settled districts, and that constitutes the source from which the

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chaukidar is paid. In Burma a ten per cent. rate is levied in the same way, and a portion of it is devoted to the payment of the village police. In Madras the village police are paid on a similar principle. There a cess is levied of one anna on the rupee of the revenue paid, and that amount is applied to the remuneration of the village servants employed both in revenue and police duties. Well, that is the alternative which presented itself to this Government. We might impose the additional cess which exists in other provinces and is imposed on the land. Indeed, a similar proposal was actually made in 1851, and was introduced into the Council of the Government of India, but in consequence of the storm of opposition which was raised by the zamindars of the province the Bill was withdrawn. Now the Government is of opinion that that method is open to grave objection, and we thought it very unlikely that the Members of this Council would be willing to agree to the principle that the whole of the expenditure needed for the payment of chaukidars should be borne by the landed interest. At present the chaukidari rate is borne by all classes of the community within the village and apportioned upon the residents with reference to their position and their comparative wealth; each man, except the very poor, pays a small quota; every house pays something. Well we thought it better that the tax should be continued to be realized in that way than that the people at large should be relieved from this payment, and that the whole burden should be borne by the landed interest.

In other words, if we were to accept this amendment, we must cast about to find the money. The obvious method of finding the money is a zamindari rate, and I have just mentioned the fate of that proposal when it was mooted before.

Another consequence would follow from the acceptance of this charge. The greater the extent to which the liability for the payment of the village watch is assumed by Government, the greater the extent to which the village aspect of chaukidari administration will disappear. Obviously, the claim of the village and of the village panchayet to control the chaukidar rests largely on the fact that the latter is paid from the chaukidari assessment. If in future his pay is to be met by Government, obviously the tendency will be more and more for the chaukidar to become part of the regular police force. As regards such a consequence, I may read an extract from the speech of the Hon'ble Babu Gonesh Chunder Chunder in the course of the debate on the Bill of 1892; he observed:—

‘In the year 1866 Mr. D. J. McNeile was appointed special officer to investigate the subject *de novo*. He proposed the entire abolition of the village watch, and the appointment in its place of a body of policemen to be selected and appointed by the executive authorities, the entire force being in direct subordination to the regular police. This was strenuously opposed by the native community, and the grounds upon which they opposed it were these:—first, that the change proposed was a revolution and not a reform; secondly, that the absence of such a link as the village police between the regular police and the people would always work unsatisfactorily; and, thirdly, that it was contrary to the wishes of the native community and subversive of the principle upon which the village watch had been always recognized as a village institution.’

Therefore, Sir, we see two interesting possibilities which might follow from the acceptance of this amendment. First, that we may have to assess the zamindars, and, secondly, that we may have to convert the village watch into a subordinate police. Both those consequences would assuredly be strongly condemned, as they were condemned in the past. In these circumstances I oppose the amendment.”

The Hon'ble Babu Kishori Mohan Chaudhuri said:—

“My Lord, may I be permitted to inquire whether the equipment charge is now borne by the Chaukidari Tax. As far as I remember the Chaukidari Tax only mentions salaries.”

The Hon'ble Sir Henry Wheeler said:—

“Section 13 of Act VI of 1870 runs as follows:—‘The panchayet shall impose an assessment yearly in each village equal to the amount required for the pay and equipment of the chaukidars.....’

It thus mentions both pay and equipment.”

The Bengal Village Self-Government Bill, 1919.

Babu Kishori Mohan Chaudhuri; The President; Maulvi Abul Kasem; Maulvi A. K. Fazl-ul-Haq; Babu Akhil Chandra Datta; Sir Henry Wheeler.

The Hon'ble Babu Kishori Mohan Chaudhuri said :—

"I was under the impression that the equipment was not included. Of course, I see that it involves a large sum of money, and in view of that and also a possible increase in the number of chaukidars and dafadars under the new Act, I want that the Government contribution, if any, should be stated here. To that extent I ask permission to amend my proposal."

The President said :—

"I am afraid I cannot allow amendments without due notice. It is not quite fair to the other Members of the Council."

The Hon'ble Babu Kishori Mohan Chaudhuri said :—

"In that case I beg to withdraw my amendment."

The motion was then, by leave of the President, withdrawn.

AMENDMENT No. 66.

The Hon'ble Maulvi Abul Kasem said :—

"My Lord, this amendment is identical with the one of which the Hon'ble Babu Akhil Chandra Datta has given notice, and I think it will be better if he moves it."

It was as follows :—

The Hon'ble Maulvi A. K. Fazl-ul-Haq to move that for the words "District Magistrate", in the two places in which they occur in clause 25 (now clause 22), the words "union board" be substituted.

The motion was, by leave of the President, withdrawn in favour of the Hon'ble Babu Akhil Chandra Datta's motion.

AMENDMENT No. 67.

The Hon'ble Babu Akhil Chandra Datta moved that for the words "District Magistrate", in the two places in which they occur in clause 25, (now clause 22), the words "union board" be substituted.

He said :—

"My Lord, since I gave notice of this amendment, there has been some amendment made in the Select Committee sitting for the second time. It has been added, that 'the District Magistrate or the union board', as the case may be, so that it is now in a much better form than it was originally, and, speaking for myself, I have not the least objection that the District Magistrate should have the power to punish the chaukidar or dafadar, but what we apprehend, my Lord, is this, that the District Magistrate as a matter of fact will never, and can never, do it himself. The District Magistrate will have to delegate the power necessarily to the Superintendent of Police or to the Circle Officer; it is the thin end of the wedge. It is on that account, my Lord, that I press my amendment."

The Hon'ble Sir Henry Wheeler said :—

"My Lord, the effect of this amendment would be to deprive the District Magistrate of all power to fine chaukidars and dafadars, while the Hon'ble

*The Bengal Village Self-Government Bill, 1919.**Babu Akhil Chandra Datta ; Sir Henry Wheeler ; Maulvi Abul Kasem.*

Member has himself said that he has no objection to the District Magistrate exercising that power. If so, I cannot see that any views he may hold on the subject of delegation can justify the acceptance of the amendment. He says that he recognizes that the District Magistrate must have the power, but the amendment would take it away from him. The District Magistrate has exercised this power in the past, and if any control by the District Magistrate is to be maintained, it is necessary that he should retain it. I, therefore, oppose the amendment."

The Hon'ble Babu Akhil Chandra Datta said :—

"I think, my Lord, I have been a little misunderstood. When I said that I had not the least objection to the District Magistrate exercising that power, I mean that he should exercise it himself. I have no objection to that, and if it is expressly provided that that power cannot be delegated to anybody else, I am prepared to withdraw my amendment. The District Magistrate will act upon the report of his subordinates, but he must not delegate the actual power of punishing to anybody else. In that case I have not the least objection. My objection is based upon that apprehension of the delegation."

The Hon'ble Sir Hen. Wheeler said :—

"I may explain that the Hon'ble Member is really dealing with a subsequent amendment to the effect that the District Magistrate should not delegate the power of fine, and I think that his remarks would be more apposite when that amendment is moved."

The Hon'ble Babu Akhil Chandra Datta said :—

"The difficulty is that that amendment if it is to be moved at this stage, we do not know what is to be its fate, and in the light of our past experience, the probability is that that amendment would be lost. That is the reason why I press this amendment."

The motion was then put and lost.

AMENDMENT NO. 68.

The Hon'ble Maulvi Abul Kasem moved that after the word "Magistrate" in line 7 of clause 25 (now clause 22) the words "or by the union board" be inserted, and the words "or by the union board with fine not exceeding one-quarter of a month's salary" in lines 8, 9 and 10 of the same clause be omitted.

He said :—

"My Lord, my amendment is on the same lines as that of the Hon'ble Babu Akhil Chandra Datta, but it is a more modest one. The Bill provides that the District Magistrate has the power of fining the chaukidar or the dafadar up to a limit of a month's salary, and the union board has been given power not exceeding a quarter of a month's salary. I want to make both these powers of the union board and that of the District Magistrate equal. My reason is that one-quarter of a month's salary of a chaukidar drawing Rs. 5 or Rs. 6 would be a very small fine for the union board to deal with, as they will have full control over the chaukidars. I think it is unfair not to trust them with this small power which will be exercised by circle officers and other subordinate officers. I think they should be treated at least on the same level with the circle officers and that the board should have the same power. I hope this amendment will be accepted."

*The Bengal Village Self-Government Bill, 1919.**Sir Henry Wheeler ; Maulvi Bbul Kasem.***The Hon'ble Sir Henry Wheeler** said :—

"The Council will remember that in the Bill as first revised by the Select Committee the union board was given no power of fining the chaukidar. Amendments in the direction of conferring that authority were filed, and when we re-examined the Bill we thought we might meet that wish by giving some right of fine to the union board, but at the same time we doubted whether their powers should be co-extensive with those of the District Magistrate. In the first place it is probable that the more serious offences and breaches of public duty committed by the chaukidar will come to the knowledge of the District Magistrate and be dealt with by him. The minor delinquencies which would come before the union board would not ordinarily merit severe punishment, and, therefore, it is not unreasonable to say that whereas the District Magistrate might fine up to a month's pay, the union board should only fine up to a week's pay. In the second place, it is the union board which pays the chaukidar, and if by a judicious system of fining they left the chaukidar *minus* any pay at all, the burden of assessment on the union would be to that extent lightened. That is a temptation to which the union board might conceivably yield if it was very hard up. Lastly, the chaukidar is not a very highly paid officer; he only gets about Rs. 6 a month, and if that pittance is to be constantly reduced by heavy fines, his lot will not be a very happy one; therefore, I prefer to leave the clause as it is. It only imposes a slight restriction on the powers of the union board."

The Hon'ble Maulvi Abul Kasem said :—

"My Lord, I have nothing to add to what I have said, and if the Hon'ble Member does not accept the amendment, I do not wish to press it."

The motion was then put and lost.

AMENDMENT No. 69.

The Hon'ble Maulvi Abul Kasem in the absence of the Hon'ble Maulvi A. K. Fazl-ul-Haq, moved that the following proviso be added to clause 25 (now clause 22), namely :—

"Provided that an aggrieved dafadar or chaukidar shall have a right of appeal to the District Magistrate, whose orders shall be final."

He said :—

"This is only a second reference on the question of about a quarter month's salary, and I think it will be accepted. That reference to the punishment meted out to the chaukidars by the union board ought to come before the District Magistrate on appeal. It is only a very small matter and I hope it will be accepted."

The Hon'ble Sir Henry Wheeler said :—

"Sir, this is rather a curious result of one Member moving another Member's amendment. When the Hon'ble Maulvi Fazl-ul-Haq filed this amendment, I think it was already intended to be consequential to amendment No. 66. Maulvi Fazl-ul-Haq wished the District Magistrate to have no power of fine, but would have given him the power of hearing an appeal from the chaukidar against a fine imposed by the union board. That is, as I imagine, what he meant by the amendment, but the Hon'ble Maulvi Abul Kasem's argument is that irrespective of the powers of the District Magistrate, so long as the union board can fine up to a week's pay, the chaukidar should equally have a right of appeal. That is quite arguable, and I have no

*The Village Self-Government Bill, 1919.**Adjournment.*

objection to giving a right of appeal if the Council wish it, though I doubt whether a chaukidar will be troubled to prefer an appeal against a fine of Re. 1 or 8 annas. However, I have no objection to the amendment."

The motion was then put and lost.

ADJOURNMENT.

The Council was then adjourned till the next day, Tuesday, the 8th April, 1919, at 11 A.M., at Government House, Calcutta.

A. M. HUTCHISON.

*Secy. to the Govt. of Bengal and
Secy. to the Bengal Legislative Council. (Offg.).*

CALCUTTA :

The 9th May, 1919.

Abstract of the Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act, 1915.

THE Council met in the Council Chamber at Government House, Calcutta, on Tuesday, the 8th April, 1919, at 11 A.M.

Present :

HIS EXCELLENCY THE RIGHT HON'BLE LAWRENCE JOHN LUMLEY DUNDAS,
EARL OF RONALDSHAY, G.C.I.E., Governor of the Presidency of
Fort William in Bengal, presiding.

The Hon'ble SIR HENRY WHEELER, K.C.I.E., C.S.I.

The Hon'ble MR. J. G. CUMMING, C.S.I., C.I.E.

The Hon'ble SIR BIJAY CHAND MAHTAB, K.C.S.I., K.C.I.E., I.O.M., MAHA-
RAJADHIRAJA BAHADUR OF BURDWAN.

The Hon'ble MR. J. H. KERR, C.S.I., C.I.E.

The Hon'ble MR. C. J. STEVENSON-MOORE, C.V.O.

The Hon'ble MR. F. C. FRENCH, C.S.I.

The Hon'ble MR. J. DONALD, C.I.E.

The Hon'ble MR. L. S. S. O'MALLEY, C.I.E.

The Hon'ble MR. H. P. DUVAL.

The Hon'ble MR. M. C. McALPIN.

The Hon'ble MR. F. A. A. COWLEY.

The Hon'ble COLONEL J. K. CLOSE, M.D., I.M.S.

The Hon'ble MR. W. C. WORDSWORTH.

The Hon'ble MR. C. F. PAYNE.

The Hon'ble MR. S. G. HART.

The Hon'ble KHAN BAHADUR MAULVI AMINUL ISLAM.

The Hon'ble SIR RAJENDRA NATH MOOKERJEE, K.C.I.E.

The Hon'ble SIR NILRATAN SARKAR, KT.

The Hon'ble Mr. R. V. MANSELL, O.B.E.

The Hon'ble Mr. W. H. H. ARDEN-WOOD, C.I.E.

The Hon'ble Mr. AMINUR RAHMAN.

The Hon'ble RAJA HRISHIKESH LAHA, C.I.E.

The Hon'ble Mr. L. V. N. MEARES.

The Hon'ble Mr. PROVASH CHUNDER MITTER, C.I.E.

The Hon'ble KUMAR SHIB SHEKHARESWAR RAY.

The Hon'ble Mr. ARUN CHANDRA SINGHA.

The Hon'ble SIR DEBA PRASAD SARBADHIKARI, KT., C.I.E.

The Hon'ble RAI DEBENDER CHUNDER GHOSE BAHADUR.

The Hon'ble RAI RADHA CHARAN PAL BAHADUR.

The Hon'ble Mr. W. E. CRUM, O.B.E.

The Hon'ble Mr. W. H. PHELPS.

The Hon'ble Mr. G. A. BAYLEY.

The Hon'ble DR. ABDULLA-AL-MAMUN SUHRAWARDY.

The Hon'ble MAULVI ABUL KASEM.

The Hon'ble KHAN SAHIB AMAN, ALL.

The Hon'ble BABU BHABENDRA CHANDRA RAY.

The Hon'ble RAI SRI NATH RAY BAHADUR.

The Hon'ble BABU AKHIL CHANDRA DATTA.

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR.

The Hon'ble BABU MAHENDRA NATH RAY, C.I.E.

The Hon'ble BABU KISHORI MOHAN CHAUDHURI.

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR.

*The Bengal Village Self-Government Bill, 1919.**Babu Akhil Chandra Datta.***THE BENGAL VILLAGE SELF-GOVERNMENT BILL, 1919.**

THE consideration of the amendments on the Bengal Village Self-Government Bill, 1919, was resumed.

AMENDMENT No. 70.

The Hon'ble Babu Akhil Chandra Datta moved that sub-clauses (ii) (a), (ii) (b), (ii) (d), (ii) (f), and (ii) (h) of clause 26 (now clause 23) be omitted.

He said :—

"These are clauses, my Lord, which gives extensive powers to the village chaukidars; these are powers which are given to police officers by section 54 of the Criminal Procedure Code, and there is a large body of opinion, both official and non-official, that these powers could not be safely given to the village chaukidar. The existing law on the subject is to be found in section 39 of the Chaukidari Act in which these clauses do not occur. There is no reason, my Lord, why a departure should have been made in this direction and such extraordinary powers given to a subordinate in the position of the village chaukidar. For instance, clause (a) runs thus: 'Any person who has been concerned in any cognizable offence or against whom a reasonable complaint has been made, or credible information has been received, or a reasonable suspicion exists of his having been so concerned'. There are very wide and extensive powers which are very likely to be abused by the chaukidar. These powers are in fact so large that they are not safe, even in the hands of a police officer, but in the case of a police officer there is no other alternative and we must invest the police officer with these powers, but in the case of the chaukidars they are much more risky. I have consulted many experienced deputy magistrates who have had enough personal experience in the administration of the Criminal Procedure Code and the Chaukidari Act, and they are of opinion that it will be extremely dangerous to give these powers to the chaukidars and there is no reason why these powers should be given to the chaukidars. Some of those powers have been omitted because it was recognised that chaukidars should not be expected to possess sufficient knowledge to exercise these powers. For instance, sub-clause (f) runs: 'Any person reasonably suspected of being a deserter from His Majesty's Army or Navy or of belonging to His Majesty's Indian Marine Service and being illegally absent from that service'. . . . I do not know, my Lord, if any of the village chaukidars are expected to know what is the law on the subject, and to judge who is a deserter from His Majesty's Army or Navy and even as regards sub-clause (a) and sub-clause (b), is it for the chaukidar to decide and understand all these matters, and as regards the burden of proof, how is that burden to be discharged? That is an additional reason why these people should act under the control of the union boards. As the Bill stands now even the members of the union board, even the president himself has not been given these powers. It seems to me rather unreasonable that the village chaukidar should be given powers which are withheld even from the president of the union board. Now referring to the opinions on the subject, I find that the Commissioner of the Rajshahi Division says: 'I am not in favour of raising the status of the village chaukidar to that of a police officer'. There are other officials who have expressed the same opinion. For instance, the Subdivisional Officer of Noakhali says: 'Section 39 of the Chaukidari Act gives certain powers to the chaukidars and I find in this clause additional powers are being given to the chaukidars: . . . this is really giving them too much power', and so on. As regards non-official opinion, I find that the District Board of the 24-Parganas has

*The Bengal Village Self-Government Bill, 1919.**Mr. Kerr.*

expressed its opinion that this clause should be omitted, as the powers conferred by them on the daffadars and chaukidars may lead to unnecessary harassment and oppression.' The British Indian Association says: 'This clause should be omitted; very wide powers have been given to dafadars and chaukidars to arrest people without an order from the Magistrate. It would not at all be safe to entrust them with these powers as they might harrass people unnecessarily on the alleged ground of suspicion, and the powers proposed to be given to them might lead to bribery and corruption.' The District Board of Bakarganj says: 'The Board were not prepared to give such an extensive power of arrest to the dafadars and chaukidars as are contemplated in sub-clause (a) of this clause and they accordingly suggested that sub-clause (a) of clause 26 (now clause 23) should be omitted altogether.' The Bengal Landholders Association is of the same opinion. It says: "This clause gives very wide powers to the chaukidar who is likely to abuse his power". So, my Lord, this is rather an important matter—the question of giving such wide powers to the village chaukidar—and I move that this clause be omitted.

The Hon'ble Mr. Kerr said:—

"My Lord, the object of this amendment is to withdraw from the village police certain powers which it is proposed to give them under this clause of the Bill. It is true, as the Hon'ble Member has pointed out, that these powers are not precisely the same as those which chaukidars at present exercise under section 39 of the Village Chaukidari Act, but I may point out that the Chaukidari Act was passed in 1871. The powers which we now propose to give to the village police are those exercised by ordinary police constables under section 54 of the Criminal Procedure Code which was passed in 1898. We may take it that the Criminal Procedure Code represents a more modern and up-to-date view of the powers which police constables ought to have than the Chaukidari Act which was passed in 1871. The powers, as I say, which we propose to give chaukidars, are those which are exerciseable by ordinary constables. We have omitted one clause, the seventh sub-clause of section 54 of the Criminal Procedure Code, that deals with extradition, because the Select Committee thought this might be rather a complicated matter for the village chaukidar to deal with, and moreover cases of that kind very seldom occur in a village. If the Council will allow me, I would like to go through the powers which we do propose to give the village chaukidar. In the first place, the chaukidar at present has the power under the Chaukidari Act to arrest a proclaimed offender or any person who in his presence commits any offence under schedule B, that is to say, one of the more serious offences, also any person against whom a hue and cry has been raised of his having been concerned in such an offence in the village or outside of it, and to convey such person to the police station. Well, now we propose to give the chaukidar power to arrest any person concerned in any cognisable offence or against whom any reasonable complaint has been made or credible information received or a reasonable suspicion exists of his having been so concerned. The Hon'ble Member argues that a chaukidar will not know what a cognisable offence is, but in a village thefts and burglaries are the main cognisable offences, and as a matter of fact, anybody who lives in a village will tell you that the chaukidar does exercise these powers at the present moment, and he must do so if he is going to protect the villagers against the depredations of thieves and burglars. All we are doing is to say that he shall exercise these powers. Then the next point is that at present the chaukidar is required, to the best of his ability, to prevent the commission of any of these offences. We propose to give him, in the language of the Criminal Procedure Code, power to arrest any person having in his possession any implement of house-breaking or in whose possession anything may be found which may

*The Bengal Village Self-Government Bill, 1919.**Babu Ambika Charan Mazumdar; Babu Akhil Chandra Datta.*

reasonably be suspected to be stolen property. That is simply a definition and in some respects a limitation of his existing powers to prevent the commission of offences against property. The other powers which we propose to give to the chaukidar are not exactly covered by anything in the existing Chaukidari Act, but they amount to this, that the chaukidar should be authorised to arrest any person who obstructs a police-officer in the execution of his duties, or any person who has escaped or attempts to escape from lawful custody, or any person who is reasonably suspected of being a deserter from His Majesty's Army or Navy, and any released convict who breaks the conditions of his release under section 565 of the Criminal Procedure Code. I submit, my Lord, these are all very simple powers. The Hon'ble Member enquires how the chaukidar is to know who is a deserter from the Army or Navy. The answer to that is that the description of a man who deserts from the Army or Navy is published in the Gazette, and at the local police-stations, and there can be no reason to anticipate difficulty on this score. I would suggest therefore that all these powers are powers which may reasonably be granted to the village chaukidar. The Hon'ble Member says that we are not going to grant these powers to the president of the union board and therefore it would be illegal or improper to give them to the village chaukidar. I submit, Sir, that there is nothing in the analogy between the president and the chaukidar. We do not want to make the president into an amateur policeman. Your Excellency has not got these powers. I have not got them, nor has the Hon'ble Babu Akhil Chandra Datta, but that is no reason why the chaukidar should not have them. These powers are entrusted already to police constables who may exercise them in a village away from the control of superior authority. The village chaukidar, on the other hand, will be subject to public opinion, he will be subject to the control of the president and the members of the union board, and he is much less likely to abuse his power than an ordinary constable who may be working by himself. I suggest therefore that we do not run any undue risk in entrusting these powers to village chaukidars, and that there is no necessity to alter the clause placed before the Council by the Select Committee."

The Hon'ble Babu Ambika Charan Mazumdar said :—

"My Lord, I wish to make one observation with regard to this amendment. Blood is said to be thicker than water, and I think self-interest and interest of self-preservation will always prevail over any other consideration. We ought to remember that the chaukidar is the tenant of a man in the village, and he is more often than not the debtor of a money-lender. Whatever powers we may give to the chaukidar, we ought to remember that he may be made an instrument of their oppressive masters through the instrumentality of his landlord and the unscrupulous money-lender. That is a great danger no doubt. Mr. Kerr has said that the chaukidar would be subject to public opinion. I do not think much of public opinion in the village. Besides where there is a powerful agency like the landlord and the money-lender, I do not think the chaukidar will be very much amenable to public opinion. That is a source of danger which I feel very seriously in the matter of this amendment."

The Hon'ble Babu Akhil Chandra Datta said :—

"My Lord, one of the arguments advanced by the Hon'ble Mr. Kerr is that although these powers are in excess of the power which are now enjoyed by the village chaukidar, yet it should be remembered that those powers were conferred in 1871, and that we are now in 1919. I do not think that that is an argument which can be appreciated because in that case 20 years after another legislation will be introduced and powers not only of police officers under clause 54 (now clause 49), but far more extensive and

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larger powers might be given to the chaukidar on the ground that these powers were given to them in 1919. That is not the point, however; there is a certain limit beyond which powers cannot be granted to officers whether high or low. Regard being had to the education and position of the chaukidars in life, the question is whether these large powers can be conferred on them. What after all, is the village chaukidar? He is nothing but a menial servant of the landlord or of the mahajan as has been pointed out by the Hon'ble Babu Ambika Charan Mazumdar, or he is the servant of the daroga. To invest him with the powers of arresting without an order from the Magistrate any and everybody in the village; that is a power of which we are really afraid. As regards the argument of public opinion I may say that public opinion in the village is divided into two factions. The public opinion in the village means the opinion of different factions, and if he is to follow the opinion of one faction, it cannot be said that he is amenable to public opinion, so that does not mean very much. This is a legislation intended for the benefit of the villagers, and for the people of the country. From information I have collected and from the opinions expressed by non-official gentlemen and public bodies of the province, and regard being had to the opinions also expressed by responsible officials, including the Commissioner of the Rajshahi Division, I would ask for whose benefit is this provision going to be made? Those villagers for whose benefit it is intended to enact this particular provision do not want or appreciate it. On the other hand, they say it is extremely risky and hazardous. In view of that, is it safe to make a departure in this direction from the existing law? And what is the case that has been made out in support of this departure? Who wants it, and for whom is this legislation? Therefore, My Lord, this question of public opinion does not matter very much. Public opinion of the province collected in these two volumes is against this measure; does that public opinion count for very much in this Council? After all the chaukidar is an uneducated man; what does he care for public opinion if he is quite safe, if he could satisfy his landlord, his daroga, his mahajan? My Lord, when I moved this motion, I knew that unless the Government accepted it of their own accord, there was no chance of its acceptance by the Council. It is an extremely important measure, affecting the everyday life of every man in the province, and affecting the province as a whole: it is a measure of very wide application and immense importance. Regard being had to that fact, and to the opposition of the public against this new provision, I say that no case has been made out in favour of this provision; and at least we should be on the safe side, so that I still hope that the Hon'ble Mr. Kerr will be pleased to take into consideration the views, not the views that I have expressed, but the views collected in the two volumes, both of official and non-official gentlemen.

The Hon'ble Sir Deba Prasad Sarbadhikari said :—

" Could these sub-clauses be put separately? Some of us have difficulty in regard to them."

The Hon'ble Mr. Kerr said :—

" It would create considerable difficulty if they are separately put."

The President said :—

" Supposing all the clauses fall out, there is no substitute for them. I do not quite see the force of the Hon'ble Mr. Kerr's argument. I have no objection in putting the amendments part by part."

The motions to omit each sub-clause were then put separately and lost.

*The Bengal Village Self-Government Bill, 1919.**Babu Akhil Chandra Datta; Mr. Kerr.***AMENDMENT No. 71.**

The Hon'ble Babu Akhil Chandra Datta also moved that for sub-clause (ii) (e) of clause 26 (now clause 23), the following be substituted, namely :—

“(ii) (e) any person who, in the view of the chaukidar, obstructs a police-officer while in the execution of his duty or who, in the view of the chaukidar, has escaped or attempts to escape, from lawful custody.”

He said :—

“As the clause stands now, any person who obstructs a police-officer while in the execution of his duties, or who attempts or assists the escape of any person from lawful custody can be arrested. As it stands it is more or less a matter of judgment by the chaukidar whether a particular man has obstructed a police-officer or has escaped or attempts to escape from lawful custody. That is a power which I think is rather too wide, and at the same time to prevent such escapes I propose that when an offence is committed by a man in the presence of a chaukidar, when the chaukidar actually sees a man obstructing a police-officer or escaping from lawful custody, then in that case only he may be given power to arrest.”

The Hon'ble Mr. Kerr said :—

“My Lord, under this clause, as it stands in the Bill, the village chaukidar is given power to arrest any person who obstructs a police-officer while in the execution of his duty, or who has escaped from lawful custody. The amendment proposes to limit these powers to cases of persons who commit any of these offences, or who attempt to commit any of these offences in view of the chaukidar. This alteration in the clause would be very inconvenient in practice, and I must say that I do not see the necessity for it. Let us see how it would work in practice. In the first place, a police-officer going to a village, would ordinarily be accompanied by one of the village chaukidars; when an obstruction takes place, his natural inclination would be to send for assistance, and he would send for the other chaukidars of the union to come and give him assistance. The chaukidars come up and the obstruction stops. Under the clause as it will stand if amended as proposed by the Hon'ble Member, the chaukidars, not having seen the obstruction, would be unable to render any assistance at all. Similarly, in the case of an escape, there would be a hue and cry raised in the village; the man would be running away across the fields, but the chaukidars who saw him would not be able to arrest him simply because they had not seen him actually escaping from lawful custody. This sort of provision would lead to endless arguments in the Courts as to whether the chaukidars had actually seen the actual obstruction or the actual escape and would make the working of the law extremely uncertain. I submit, therefore, that the amendment would be inconvenient in practice and no practical reason has been shown for its necessity.”

The Hon'ble Babu Akhil Chandra Datta said :—

“My Lord, in some cases the chaukidar will not be able to help the police as he would otherwise be able to help if the clause stands in its present form. But at the same time the question is whether that is a power that can safely be given, taking into consideration all the circumstances. For instance, one constable may want something from a man: he may not give that, then he wants to extort the money from him and wants to bring some pressure to bear upon him, and then in order to accomplish his purpose he may send for the chaukidar and tell him that that man was obstructing him and so on.

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So that is a case in which a constable may take advantage of a provision like this. The whole question is not whether in any particular case this provision will work some good, but the question is whether taking all things and all circumstances into consideration what is the line of action which the balance of evidence suggests. As in all cases of legislation, so in this particular case there are two sides and the business of the legislature is to see wherein lies the balance of evidence and advantage. My contention is that weighing all the advantages and disadvantages, the safer course would perhaps be not to legislate like this."

The motion was then put and lost.

AMENDMENT No. 72.

The Hon'ble Babu Akhil Chandra Datta said :—

"My Lord, in view of the fate of some other amendments that have been moved before, I do not wish to press this amendment and with your Excellency's permission I would like to withdraw it."

The motion was as follows :—

"that sub-clause (1) (ix) of clause 26 (now clause 23), be omitted."

The motion was then, by leave of the President, withdrawn.

AMENDMENT No. 73.

The Hon'ble Babu Akhil Chandra Datta also moved that the word "and" at the end of sub-clause (1) (x) of clause 26 (now clause 23), be omitted, and after that sub-clause the following be inserted, namely :—

"(ca) he shall serve civil, criminal, and revenue processes and processes issued by officers of the registration department upon persons resident within the union subject to such rules as may be prescribed under section 111; and"

He said :—

"My Lord, on this question instead of giving my own views I would prefer to give the views and recommendations of the District Administration Committee recorded on page 112. It is not a new proposal as the system has been tried and tried with success. This is what the District Administration Committee said :—

'The experiment was abandoned in Rajshahi also. It was continued and is still in force in Hooghly, Dacca and Tippera, in which district special officers have been working under Mr. Gupta. The local officers are anxious that the system should be continued, and from what we have seen and heard we have no doubt that the experiment is proving a success. In their Resolution No. 2487 P. D. of the 22nd November, 1911, the Government of Bengal remarked that the system is infinitely superior to the practice of service through peons, stating as their reasons for this opinion that a certain amount of local publicity is given to the process; the president and dafadars are amenable to local public opinion; they do not need the assistance of the plaintiffs' men, and therefore on the whole the probabilities of fraud and suppression are considerably reduced. Mr. Gupta considers that the results so far are extremely hopeful and there is a consensus of opinion that, with the appointment of a secretary or munshi to assist the panchayat and with proper supervision and adequate postal facilities, the goal to be aimed at is

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the extension of the system not only to a certain class of criminal processes but also eventually to civil processes.'

Apart from the advantages which have been mentioned by the District Administration Committee in their report there is a further advantage that the service of these processes will bring something to the union board. The financial difficulty of the union board will be somewhat relieved although it will not be relieved very appreciably. Therefore, both in the interest of the public directly and also in the interests of the union board this proposal should be accepted. It requires no advocacy from me to induce Government to accept this proposal because I find from the report of the District Administration Committee which I have just placed before the Council that that was precisely the position taken up by Government in 1911. The Government remarked that the system was infinitely superior to the practice of serving processes through peons. Therefore, my Lord, I hope at all events this amendment will be accepted by Government."

The Hon'ble Sir Henry Wheeler said :—

"My Lord, this amendment touches upon quite a useful possibility of utilising the services of chaukidars and dafadars, and it is a possibility towards the realisation of which some experimental steps have already been taken. I mentioned yesterday the fact that in 1905 Mr. Savage was placed on special duty with a view to developing the possibilities of village self-government. The service of processes, other than those for distraint and sale and personal arrest, through chaukidars was initiated by him, and it was gradually introduced in the districts of Dacca, Tippera, Rajshahi and Hooghly as also in Balasore and Muzaffarpore which were then within Bengal—though of course, they are now no longer in this Presidency. As regards Eastern Bengal, it was decided in 1907 to continue the experiment, and a rate of remuneration for dafadars and chaukidars was fixed. In 1907 the scheme was extended to Puri and in 1912 to Cuttack. It failed in Muzaffarpore and was abandoned in 1911, because no one was particularly enthusiastic about it and there was no adequate supervision over the work of dafadars; subsequently it was abandoned in Rajshahi also, but it was continued in Hooghly, Dacca and Tippera. In 1911 this Government expressed an opinion favourable to the system, generally on the grounds that have been referred to by the Hon'ble Member, namely, that there was less likelihood of malpractices on the part of dafadars and chaukidars, as they had local knowledge and were amenable to local influence; the probability was that they would run straighter than outside peons. At the same time, there had been failures and there were frequent complaints of unpunctuality. The financial aspects of the change, in comparison with the ordinary procedure, also required further elucidation. The question was examined by the Conference of Commissioners in 1912, and practically the system is now working in most of the areas in which there are circle officers, those being the areas in which a supervising agency exists, and it is on proper supervision that it has been found that success very largely depends.

Since we are all at one as to the possibilities of the system, it may be said why did we not provide for it in the Bill? I gather that those who framed the Bill refrained from doing so because they thought the matter was to some extent experimental, and so far as experiments were being conducted, they were in progress under executive orders. There is also another difficulty which we have to bear in mind; under the Court Fees Act the fixing of fees chargeable for the execution of processes, civil and criminal, and the remuneration of peons and of all other persons employed in the service and execution of processes are governed by rules framed by the High Court. Therefore, in anything we do we shall have to be consistent with the powers of the High Court, presumably by obtaining their preliminary consent to any

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change we desire to make. If the High Court do not approve of the change, then under the Court Fees Act they can effectually debar us from further action. I should mention that when I spoke of processes at present thus served, I meant revenue processes, not criminal and civil processes. Of course, in revenue processes we have a freer hand, but in civil and criminal processes we have to be guided by the High Court.

There is the further question of uncertainty as to the cost, namely, whether service of this description may not turn out to be more expensive than our present system. However, I think it is worth while making mention of this matter in the Bill, and I am willing, therefore, to accept the amendment, but I think its form could be improved. I do not much care about enumerating different kinds of processes, especially when, as I have said, we have to remember the High Court's rules in respect of civil and criminal processes, and I should prefer to put the amendment more generally in this form :—

'He shall serve such processes upon persons resident within the union as may be prescribed by rules under section 111.'

I think this will meet the hon'ble mover's object. We avoid specifically mentioning the kind of processes; and I take it that in the matter of civil and criminal processes we shall have to get the High Court to make rules to permit of the new procedure. In the above form, I shall be glad to accept the amendment."

The Hon'ble Babu Akhil Chandra Datta said :—

'My Lord, the form recommended by the Hon'ble Member in charge of the Bill is acceptable to me.'

The motion was put in the following amended form and agreed to :—

"That the word 'and' at the end of sub-clause (1) (X) of clause 26 (now clause 23) be omitted and that after that sub-clause the following be inserted, namely (Xa) he shall serve such processes upon persons resident within the union as may be prescribed by rules under section 111; 'and'

The Hon'ble Sir Henry Wheeler said :—

"My Lord, when we come to clause 111 (now clause 101), I shall ask your Excellency's permission to introduce a consequential amendment."

AMENDMENT No. 74.

The Hon'ble Babu Akhil Chandra Datta moved that for sub-clause (2) of clause 26 (now clause 23) the following be substituted, namely :—

"(2) Every dafadar shall exercise all the powers conferred on a chaukidar under sub-section (1) and such other powers as may be prescribed by rules made by the district board, and shall perform such duties as may be imposed upon him by rules made by the district board."

He said :—

"My Lord, so far as the first sentence is concerned it is exactly the reproduction of the original clause and then the divergence begins from the second sentence 'and such other powers as may be prescribed by rules made by the District Board.' My object of bringing in this portion is this : that the duties of the chaukidars have been defined in this Bill at length, but the duties of the dafadar have not been so clearly defined. Of course under this clause every dafadar shall exercise all the powers conferred on a chaukidar under sub-clause (1), but there is after all some difference between the position of a dafadar and that of a chaukidar. I think that is the fundamental

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point, otherwise there is no reason why a dafadar should have been brought into existence. It is well known that although there are dafadars in existence even at present but as a matter of fact there was no legislation on the subject. They have been brought into existence under circumstances the validity of which has sometimes been questioned, but in any case there is no law codified on the subject as regards dafadars. But this point is very clear that it is intended that there should be some difference between the position of a chaukidar and that of a dafadar: otherwise there is no reason why a dafadar was originally introduced and why a dafadar has now been given a statutory function in this Bill. And the general proposition is, and that has been accepted by the Bill, that the dafadar holds a position over the chaukidars and therefore in actual practice there may be occasions when the powers exercised by the chaukidars may not be sufficient for the dafadars. In order to remedy that defect I have proposed that they shall exercise such other powers as may be prescribed by rules made by the district board.

Then there remains the other portion as regards the duties of the dafadars. As it stands it is this 'and shall perform such duties as may be imposed upon him by rules made by the district board.' Now, my Lord, it is rather difficult to understand why the powers have been defined by the Bill itself but not the duties. As regards the duties of the dafadars they have been delegated to the rules to be made under section 111 (now section 101). Powers are necessary to be defined in the Bill itself as the duties. My amendment does not meet that difficulty as I have not been able to suggest to what the definite duties should be but I must confess that my difficulty was that I had to send notice of my amendment without sufficient time, and besides I must also confess that it is not very easy for me to sit down and prescribe the duties as it is so easy for the framers of the Bill and others whose duty it was to do that. I labour under various disadvantages which they do not, and I must confess that I was not equal to that task. I have simply proposed that the dafadar shall perform such duties as may be imposed upon him by rules made by the district board. The only difference is that the rules should be made by the district board and not made under clause 111 (now clause 101).

With these words, My Lord, I beg to commend the amendment for the acceptance of the Council."

The Hon'ble Mr. Kerr said :—

"My Lord, perhaps it will assist matters if I explain briefly and in general terms what the duties and position of the dafadars are. The dafadar is a creation of the last 15 or 20 years. Before that each individual chaukidar worked individually with the police at the police-station and with the panchayats in the village. This arrangement was found unsatisfactory as it was difficult for the police and the panchayats to deal with a large number of individual chaukidars, and so the dafadar came to be evolved. The dafadar is simply a head chaukidar; he is a non-commissioned officer in charge of a squad of 10 or 12 chaukidars; his business is to act as a link between the chaukidars and the police and between the chaukidars and the panchayats. He conveys orders to the chaukidars, arranges for their duties, goes round and collects information and reports from them and passes them on to the proper authorities. That, my Lord, is a general description of the functions of a dafadar, and that being so, I think the Council will see that it would be very difficult to embody it in any legal enactment. That is the reason why we have said in this Bill that the dafadar shall have all the powers of a chaukidar and that his other duties shall be regulated by rules. So far I think the Hon'ble Member and myself agree. The only difference between us is that in the Bill it is proposed that these rules should be framed by Government, while the Hon'ble Member would like to have them framed by the

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district board. I explained yesterday why it was not possible to hand over the village police generally to the control of union boards and local boards, and precisely the same arguments apply to this proposal that the dafadars should be handed over to the control of district boards. I shall not repeat what I said yesterday, but there are special objections to handing over police duties to district boards. The district boards have never had anything to do with the police, either the regular police or the rural police, and it is not intended in this Bill to make a new departure in this respect. The Bill deals only with union boards, and the proposal to enlarge the functions and duties of district boards in this particular way is not one which Government could accept. District boards are not at present constructed in such a way as to make them fit bodies to exercise duties in connection with the police, and this Bill does not propose to alter their constitution in any way. For these reasons, Sir, I oppose the amendment."

The Hon'ble Babu Akhil Chandra Datta said :—

" My Lord, this motion is opposed on the ground that Government are not prepared to make over dafadars to the district board. Now clause 47 (now clause 46) of this Bill lays down—' provided that the salaries and cost of equipment of dafadars and chaukidars shall be the first charge upon the union fund.' It is the union board who will pay the dafadar's salary and so on. Not only they will pay but the salary of the dafadar will be the first charge upon the union fund. That being the position, certainly it is only fair that dafadars should be the servants of the union board. That is my first point.

Then the next point is if once they are the servants of union boards and if any rules are to be prescribed about their duties, then it is only fair that these rules should be framed by the union board, and if union boards are not at present in a position to frame rules and if they are not considered to be competent, then the next best thing is that these rules should be framed by the district board under whom the union board will act. The whole plan of this measure, if I understood it aright, is this : we will build from the bottom. The initial stage is the foundation of the union board, next comes the local board and after that comes the district board. That being the evolution—that being the scheme of the Bill—it is only proper that rules should either be first framed by the union board and if for any reason that body is not considered competent then the rules should be framed by the district board. As they will pay it is only proper that they should dictate as to what should be their duties and what should be their powers. "

The motion was then put and lost.

AMENDMENT No. 75.

The Hon'ble Maulvi Abul Kasem moved that after the word " situated " in line 4 of clause 27 (now clause 24) the words " or to the president of the union board " be added.

He said :—

" A little while ago, my Lord, an attempt was made to curtail the powers of the chaukidar on the apprehension that these powers will be abused and that people may be unnecessarily oppressed. By this amendment I suggest to minimise the abuse of power and to minimise the chances of harassment. In the Bill as it is, a chaukidar after arresting a person can take him to the police-station, but the police-station may be situated at a distance of 8 or 10 or even 12 miles from the place where the man was arrested, and it will cause unnecessary harassment to the man if he is proved innocent. On the other

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Hand, I suggest that he should be taken over to the police-station or to the house of the president of the union board, because the latter will be near at hand and in that case if the president of the union board finds that the arrested person should be taken to the thana, then he will direct the chaukidar to do so, and in that case some sort of responsibility will fall upon his shoulders, and as he is a man of responsibility and amenable to public opinion, and it is expected that he will not be a tool in the hands of a particular faction or a particular individual, high or low. Therefore in order to be on the safe side, I suggest that this amendment be accepted, because after all there is another proviso that if arrests are made at night, then the person arrested shall be taken as soon as convenient on the following morning, but where is the arrested person to be kept? If the direction is to take him to the president, he may be kept in the house of the president, as he may have sufficient accommodation for the arrested person, while the chaukidar scarcely has sufficient accommodation for himself and his family. The main object in moving this amendment is to give a chance to the person to be taken to the president of the union board so that the chaukidar may not have any unrestricted discretion in taking a person a long distance to the thana and thus causing him harassment. When the amendment for curtailing the powers of chaukidars was moved, it was stated, and there was a good deal of reason in that statement, that the chaukidar may unnecessarily cause a person to be harassed. In this country an arrest means disgrace, even if the arrested person is proved innocent afterwards. In this case if a man is arrested or taken to the thana or detained for a long period, it will cause great inconvenience to the people and it may even happen that simply to cause a loss to a person or to his interest, a man may be arrested and taken to the thana. For instance, if a person has got a civil case in a court in the headquarters of the district or sub-division, and a man under whose influence the chaukidar is is interested in seeing that this man does not present himself before the court on that particular day, it may be easily arranged; that man is arrested and taken to the thana and by the time he is taken to the officer in charge and is proved innocent and released by him, his case might have been lost. The only harm that can come to the chaukidar is that the District Magistrate after he is informed of such a case will dismiss the chaukidar, but the dismissal will not mean much to him. I, therefore, submit that if this amendment is accepted, it will be a safeguard against these abuses of the chaukidars or the men whose instrument he is."

The Hon'ble Mr. Kerr said :—

"I think, my Lord, the Hon'ble Member has read into this amendment a good deal of matter which it really does not contain. In the first place, he assumes that if his amendment was passed, the chaukidar would be bound to take an accused person to the president of the union board. That, as I understand the amendment, would not be the case: it would be optional with the chaukidar to take the accused either to the police-station or to the president, so that the chaukidar could use his discretion in the matter. In the second place, the Hon'ble Member seems to assume that the president would have the power to order the release of an accused person and to tell the chaukidar not to take him to the thana, but there is nothing about that in the clause either. There is nothing giving the president power to examine the merits of the arrest and to decide whether a *prima facie* case against the accused person had been made out; and very rightly so, because obviously if you give the president a power of that nature you at once convert him into an investigating officer. Thus, these two points which the Hon'ble Member has made much of are not provided for in the amendment at all. All that the amendment says is that the chaukidar can take the accused person to the president on his

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way to the thana, and I ask the Council to consider whether a provision of that kind would really be in the interests of the accused. The Hon'ble Member says the accused person may have to walk 10 or 12 miles to the thana. Well, the president's house may be situated 6 or 8 miles away from where the arrest is made and in the opposite direction to the thana, so that the chaukidar exercising his discretion under this amendment might cause the unfortunate accused person to walk 12 or 16 miles further than he would otherwise have to do. Then the president might not be found, or he might want to exercise those powers which the Hon'ble Member wants to give him, but which the amendment does not give him. He might want to enquire into the case, and all that means more delay and harassment to the unfortunate accused. I submit, my Lord, that it is much better to stick to the simple provision in this clause in the interests of the accused person himself, and to say that when a chaukidar or dafadar does arrest a man he should take him forthwith to the police-station."

The Hon'ble Rai Radha Charan Pal Bahadur said :—

"My Lord, before the motion is put to the vote, I desire to have some information both from the hon'ble mover and the Hon'ble Member who replied on behalf of Government. In the first place I must sympathise with the general observations of the hon'ble mover, but there are some difficulties. My hon'ble friend has said that when a person is arrested he may not be taken to the police-station because it would be convenient to the chaukidar to take him to the president of the union board. But it is just possible that he may not find it convenient to take him to the president of the panchayet. In the proviso it is added that if the arrest is made at night the person so arrested shall be taken to the thana on the following morning ; so it is quite discretionary with the chaukidar to keep the man in his house and to take him the next morning to the thana. But there is another point. What is to be done with the man in the meantime? Supposing a man is arrested at 9 o'clock at night ; the chaukidar has not sufficient accommodation to keep the accused person with him all night, nor can he afford to feed the man at night, in addition to his own family. What are the contingencies provided for here. The Hon'ble Mr. Kerr says that the president of the panchayet has no power to go into the merits of the case, but what about the arrangements to be made for 8 or 10 hours when the man is to be kept by the chaukidar, how is he to be kept and fed? Quite apart from this amendment, I think the Hon'ble Member might explain these points, for I have not been able to comprehend them."

The Hon'ble Sir Henry Wheeler said :—

"I do not know, Sir, whether the Hon'ble Rai Radha Charan Pal Bahadur is supporting the amendment or opposing it, or whether he is merely in search of light on *mufassal* conditions. I think he is needlessly creating difficulties in stating hypothetical cases which in practice solve themselves without difficulty. There is one fairly practical proof of this in that this clause is merely a repetition of section 40 of Act VI of 1870, which has been working all these 49 years without grave practical inconvenience. There is all the difference in the world between an amendment which would definitely encourage the chaukidar to take an accused person to the president of the union board (to which there are the objections which Mr. Kerr has enumerated), and a proviso which, after all, is merely a matter of common sense. The chaukidar is directed to take a man at once to the thana when he arrests him ; it may be, however, that the man was arrested at night and could not be taken to the thana at that time. The proviso then instructs him to take the arrested man to the thana the next morning. What the chaukidar does in practice is to make such arrangements for the detention of the

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man as are most convenient ; he may keep him in a zemindar's kutchery, or in a house or a hut, whatever is handiest. It is a matter of practical working to be dealt with at the discretion of the man on the spot, as it has been dealt with without trouble for the past 50 years. Therefore, Sir, I cannot appreciate the point that has been raised, for it does not affect in any way the arguments which Mr. Kerr has used, to which I may perhaps add one more. Among the recommendations made by Mr. Savage, to which I have previously alluded, one was rather in the direction of encouraging the president to interfere in the investigation of crime, but when I made my inquiries, I found that nothing but confusion and trouble and friction between the police and the panchayat had resulted from that arrangement. The amendment tends in the same direction, and I propose, therefore, to leave the clause as it is."

The Hon'ble Maulvi Abul Kasem said :—

"My Lord, I admit that the amendment as framed leaves the chaukidar the option of taking the accused person to the thana or to the president of the union board. I suggested it only to avoid the difficulty which was mentioned by the Hon'ble Mr. Kerr that supposing the thana is the nearer place than the house of the president or if the president is not to be found, whichever may be the convenient place, and where the case of the arrested person can be more quickly and safely disposed of. That is what I meant. As regards the powers of the president of the union board who has got to control the chaukidar, if he finds that the chaukidar has without any justification arrested a man he should see that the mere arrest by the chaukidar does not bring the man under the clutches of the law, so no special powers are necessary. If the president finds that the man has been arrested without any justification in exercise of the powers vested by the chaukidar under this Act, he may just ask the chaukidar to release the person ; that is what I meant, and what I think the amendment means, but I am sorry that this has not been accepted and as there seems to be great opposition to this, I do not think any useful purpose will be served by pressing it, so I beg permission to withdraw it."

The motion was then, by leave of the President, withdrawn.

AMENDMENT No. 76.

The Hon'ble Maulvi Abul Kasem moved that for the word "district" in line 3 of clause 28 (now clause 25) the word "union" be substituted ; and for the words "district magistrate" in line 4 of the same clause the words "union board" be substituted.

He said :—

"This is a very simple amendment, my Lord. The object is this : the Bill provides that all fines realised from chaukidars under clause 25 shall form the district reward fund and that it will be at the disposal and under the control of the District Magistrate. What I suggest is that these fines realised from chaukidars should be confined to the area and should form the union board reward fund and should be controlled by the union board. The object is that the union board may have an opportunity of granting rewards to their chaukidars whenever they are found to have done some good service, or are found doing their duty a little more devotedly. I am informed, my Lord, that these chaukidari reward funds—there is a chaukidari reward fund now in existence under the control of the District Magistrate—that this reward scheme to chaukidars is extended over the whole district, and each

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union may not find cases in which to reward their own good chaukidars and dafadars, and I have been also told that the chaukidars who are called upon to do patrol duty on railway lines during the visit of the Viceroy or the Governor, either in their own headquarters or on their way from one place to another, when they are brought from a distance of more than 5 miles from their homes, are paid their duty allowances from this reward fund. I speak subject to correction, but this is my information, and I do not think that this is the object with which these reward funds were started, so I suggest that the fines realised within their unions should be at the disposal of these boards, and should be paid to the chaukidars, so that money may be brought home to the union boards. I do not think there will be any objection to accepting this amendment."

The Hon'ble Sir Henry Wheeler said :—

"My Lord, I do not think the Council would be well advised, on the considerations which have been adduced, in accepting this amendment, which, after all, merely upsets an existing system which is working comparatively well.

The clause in the Bill is almost an exact reproduction of section 42 of the Act of 1870, which was inserted by the amending Act of 1892. Sir Henry Cotton, the Member in charge, then gave this explanation of it :—

'There is a section introduced under which fines imposed on chaukidars are credited to a district chaukidari reward fund, the control of which rests with the Magistrate. At present fines, when realised, are credited to the village chaukidari fund; that is to say, they pass to the panchayat. The Magistrate has no control over them, and the effect is that if the panchayat and the chaukidar work together and are friendly one with the other, no fine whatever can be inflicted on the chaukidar. It is thought desirable that the Magistrate of the district should have the power of inflicting some punishment on chaukidars other than dismissal. The fine will then be credited to a reward fund for distribution among deserving chaukidars, a provision which has always been much needed, and is calculated to improve the administration of the village police force.'

That is why the district chaukidari fund was initiated, and it has been working ever since. The petty fines levied on chaukidars are thus brought together, and in the aggregate make a fairly substantial sum from which it is possible to reward good work done by other chaukidars. If the sum was split up into a number of petty little units, as would be the case if the amendment was accepted, it would merely be frittered away without any practical benefit, apart from the objections which Sir Henry Cotton raised, and which I have just read. There is another difficulty, that if the unit is the union board one of two contingencies may result; either the union contains most admirable chaukidars, in which case there will be no fund to give rewards from; or it may have a scoundrelly set of chaukidars, and there may never be occasion to give rewards. In either case it will not be possible to administer the fund to the advantage that is now possible. I doubt if it would make for good feeling in the union, for instance, if chaukidar A is fined Re. 1 which goes as a reward for good work done, into the pocket of chaukidar B; this is only likely to engender friction. As a matter of fact it has been found that if the District Magistrate takes an interest in the proper administration of this fund it is useful in encouraging chaukidars to do good work, and sometimes chaukidars do very good work in effecting arrests and giving information. Of the practice to which the Hon'ble Member referred at the end of his speech, viz., of rewarding chaukidars from the fund for what really is part of their work, I have never heard. I am told by Mr. Hart that he thinks he remembers

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such a case some time ago ; I will have inquiry made, and if it is correct that this has been done, I will certainly have it stopped. The chaukidari reward fund is not meant for such purposes, and if it has been so applied, it must have been done under a misapprehension of the proper position."

The Hon'ble Mr. Kerr said :—

"May I just supplement what the Hon'ble Sir Henry Wheeler has said by reference to the rules which govern the administration of the chaukidari reward fund. The rules say—

Rewards should ordinarily be given for—

- (a) information leading to the prevention or detection of crime ;
- (b) the seizure or recovery of stolen property ;
- (c) the arrest of offenders or absconders ;
- (d) personal courage shown in the arrest of dacoits, thieves or other offenders ;
- (e) meritorious conduct, not included in the above clauses, which the District Magistrate, with the concurrence of the Commissioner, considers deserving of reward.

So that if the District Magistrate wanted to take money out of the reward fund for the purpose which the Hon'ble Member has mentioned, he would have to get the consent of the Commissioner, and I think it is most unlikely that that consent would be given for the reward fund to be utilised for any such purpose."

The Hon'ble Maulvi Abul Kasem said :—

"This amendment has been opposed by the Hon'ble Sir Henry Wheeler on the ground that this goes against the practice which has been in existence for some years. I admit that this goes beyond the practice. But this Bill as it stands is an improvement on many established practices. We have got the local boards and the district boards and we are now going to have our village union boards to decentralize the work and what is more we had our Magistrates in the headquarters of the districts and sub-divisional officers elsewhere, and we are now going to have several village criminal courts. So I thought that the division of the chaukidari fund would be in conformity with all these arrangements. My amendment has also been opposed on the ground that if we limit the fund to the union it will be a very small fund and that it would have no practical good result. But as the fund will be larger now and the chaukidars and people affected will also become larger in number—that will make very little difference. I am, however, glad to learn that my information regarding the allotment of chaukidari fund to other purposes is, so far as the Government are concerned, without foundation and that even if such a practice prevails it will not be allowed to continue. But I am still of opinion that this reward fund should be limited to the union boards who should have control over this fund. It has been suggested that in a union all the chaukidars may be an admirable lot and that in that case no fund would be realized. But that contingency is not likely to arise in a union in this Presidency nor is it likely that all chaukidars would be unworthy people. If that contingency arises it is also possible that another contingency might arise, that all the chaukidars in a district would be either wholly good or wholly bad. Therefore I hope that this amendment will be accepted by the Council."

The motion was then put and lost.

*The Bengal Village Self-Government Bill, 1919.**Babu Akhil Chandra Datta; Maulvi Abul Kasem; The President.***AMENDMENT No. 77.**

The Hon'ble Babu Akhil Chandra Datta moved that for the words "district magistrate" at the end of clause 28 (now clause 25) the words "district board" be substituted.

He said :—

"My Lord, in this connection I want to draw the attention of the Council at the very outset to the alteration that has been made."

The Hon'ble Maulvi Abul Kasem (interrupting) said :—

"My Lord, with reference to this amendment I rise to a point of order. It has been decided by this Council that the district reward fund is not to be made over to the control of the district board. It has also been decided that it should remain under the control of the District Magistrate."

The President said :—

"I do not think the Hon'ble Maulvi Abul Kasem is correct in saying that this Council has decided that the reward fund is to be under the control of the District Magistrate. What the Council has so far decided is that a certain alternative proposal to the proposal in the clause of the Bill should not be made. But that does not rule out of order other alternative proposals which the Council might like to adopt."

The Hon'ble Babu Akhil Chandra Datta (continuing) said :—

"Although the fine is imposed under clause 25 (now clause 22), that clause has under gone some alteration in the Select Committee on the second occasion. Originally the fine was intended to be imposed only by the District Magistrate. Now the union boards have been given the power of inflicting fines upon the dafadar and chaukidar. Therefore the alteration in clause 25 (now clause 22), ought to have some bearing upon clause 28 (now clause 25). The fine was originally imposed by the District Magistrate and it could be said that for some reason that fine ought to be at the disposal of the District Magistrate, but now that the power has been given to the union board also, the question arises whether in these altered conditions the fine ought to go even now in all cases to the District Magistrate. Besides, although reference has been made to the provisions of the Chaukidari Act of 1892, it appears that the original section 42 of the Act of 1870 was this. That section lays down that all fines and penalties levied under this Act shall be carried to the credit of the Village Chaukidari Fund. Of course that was altered by section 42 of the Act of 1892. But, my Lord, our contention is that the Act of 1892 was a most reactionary measure and it is not too much to expect that things may be restored to their former condition, namely, that section 42 of the original Act of 1870 might be revived. Of course with this alteration : there it was suggested that it should be carried to the credit of the Village Chaukidari Fund. That amendment was moved by my predecessor and that has been lost, and in fact this is not my amendment either. That having been lost it is all the more proper that I should ask that the fine should go to the credit of the district board. I have got the support of the various representative public bodies in this connection. For instance, the District Board of Faridpur says that the proposed clause resembles the amended section, and the result will be that all fines will go out of the control of the village committee. In view of the fact that before 1892 all fines were credited to the Village Chaukidari Fund, this clause should be modified so as to bring all fines realised from the chaukidars to the Village Committee Fund. I find, my Lord, that even the premier institution of Bengal—the Indian Association—also recommends that the word 'board' should be substituted for the

*The Bengal Village Self-Government Bill, 1919.**Sir Henry Wheeler; Babu Akhil Chandra Datta;**Mr. Provash Chunder Mitter.*

word 'magistrate' in clause 28 (now clause 25). The question is whether that alteration should be made. It appears to me that it is rather funny that when the chaukidar's salary is to be paid by the union board, and when that man is fined by the union board, the fine should go to a fund over which neither the union board nor the district board has any control but over which the District Magistrate alone has the authority. There is something very wrong in the very idea. If A has got a servant and if under some circumstances he is competent to fine the servant, that fine should certainly go to A and not to B. So, my Lord, this alteration should, I think, be accepted."

The Hon'ble Sir Henry Wheeler said :—

"My Lord, I confess I have some difficulty in following the argument of the Hon'ble Mover, which, if anything, is apposite to the previous amendment which has already been negatived. The contention of the Hon'ble Member seems to be that if we cannot go back to the Act of 1870, we should at least do something different from the change which I have already explained, was made in 1892. But from the historic account I have just given of the genesis of this fund and of the objects to which it is applied, it seems obvious that the matter is not one which concerns the district board at all; to say that the administration of the kind should be directed by the district board is merely to frustrate the whole purpose for which it was created. Mr. Kerr has referred to the kind of work for which these rewards are given. Now what has the district board to do with the arrest of offenders and absconders, and how is it to judge of the personal courage shown by the dafadars in the arrest of dacoits? The amendment is really seeking to introduce an agency which is perfectly alien to the objects of the fund, and from the remarks that have fallen from the Hon'ble Member one would almost imagine that he regards the fund as a source of personal profit to the District Magistrate. I have endeavoured to explain what is done with the money, and I put it to the Council that it is meant for purposes which are absolutely foreign to the district board."

The Hon'ble Babu Akhil Chandra Datta said :—

"My Lord, I am surprised to hear the last observation of the Hon'ble Sir Henry Wheeler. When I said that the fines go to the District Magistrate I never meant that they go to the district magistrate personally. Of course he will have a control over it in his capacity as district magistrate. Similarly, when I proposed that the fine should go to the District Board, it was never intended that the fine should go to the private pocket of the Chairman of the District Board. The whole question is who is the official who should have the control over it—that is the whole point. As I have submitted, as the salary is paid by the union board and it has also been conceded by the Select Committee on the second occasion that the union board will have the power to fine also, the authority who has got the power to fine should have some control over that amount. That is all that I have to submit."

The motion was then put and lost.

AMENDMENT No. 78.

The Hon'ble Mr. Provash Chunder Mitter moved that for sub-clause (1) (a) of clause 28A (now clause 26) the following be substituted, namely :—

"(1) (a) shall take such action as is necessary to secure the due performance by the dafadars and chaukidars of the union of the duties imposed on them under this Act, and shall exercise a general control over them."

*The Bengal Village Self-Government Bill, 1919.**Mr. Kerr.*

He said :—

"My Lord, the Council will notice that the words which we have at present in the Bill as amended by the Select Committee are 'shall exercise a general control over the dafadars and chaukidars of the union.' I desire that the words 'shall take such action as is necessary to secure the due performance by the dafadars and chaukidars of the union of the duties imposed on them under this Act' should be added. The reason why I made this suggestion is this. The Council will notice from clause 26 (1) (i) [now clause 23 (1) (i)] that at the present moment the chaukidar shall give immediate information to the officer in charge of the police-station within the limits of which the union is situated and to the president of the union board of every unnatural, suspicious or sudden death which may occur, and of any offence specified in schedule II which may be committed within the union, and he shall keep the police and the president of the union board informed of all disputes which are likely to lead to a riot or serious affray. My Lord, this only leads to giving information both to the officer in charge of the police-station and to the president of the union board. The Bill does not provide as to what is to be done after that. On the other hand, there is another aspect which is important with reference to this amendment except that the chaukidar is obliged to furnish the information required of him, the chaukidar can only give orders on police matters through the union board. The Bill does not provide that the officer in charge of the police-station can give orders to the chaukidar direct. As I understand, my Lord, the scheme of the Bill is to introduce more co-operation between the union board and the officers in charge of police-stations. If that be the object, then there ought to be some person or body of persons who should have the power to improve that co-operation. The officer in charge of the police-station has not any direct power, no doubt by holding out an indirect threat of having the chaukidar dismissed or reporting against him to the District Magistrate he may exercise some authority. But I would prefer that the union board should have a more effective voice in the matter. The chaukidar is required to keep the president informed of any crime committed within his locality, but there is no direction what the president is to do when he receives such information. Therefore for the mutual co-operation which is I think the framework of this Bill, I think the amendment which I suggest will improve the Bill. I understand, my Lord, that in various places there is a growing tendency of the thana police and the president of the panchayat working together and that very good results have accrued therefrom. If that is to be aimed at then the amendment which I have suggested is desirable. I may tell the Council that my amendment bears relation to amendment No. 81 which stands in my name, namely, that after clause 23A (now clause 26) sub-clause (1) (e), the following words be added 'shall co-operate with the police and the magistrate and the circle officer for the control and detection of crime.' My Lord, the non-official Indian members desire that these union boards should have these powers. The official members pointed out in the course of the discussion that took place yesterday that at the present moment the police powers must ultimately remain in the hands of the District Magistrate, and as the District Magistrate is responsible for the peace of the district such powers should remain with the District Magistrate, but both sides agree that gradually there should be better co-operation between the functions exercised by the union board and the District Magistrate. The amendment, I suggest, will ultimately attain that object."

The Hon'ble Mr. Kerr said :—

"My Lord, I will not follow the Hon'ble Member in his discussion of the question of granting police powers to the president and members of these boards, because that question arises specifically on later amendments. I may, however, say at once that the Government are prepared to accept this

*The Bengal Village Self-Government Bill, 1919.**Babu Akhil Chandra Datta ; Babu Ambika Charan Mazumdar.*

amendment. It will have been evident from the remarks which we made yesterday on previous amendments that the policy of Government is to steer a middle course in the matter of control over the rural police, and to give the union boards a reasonable amount of control over the rural policemen who will work in the villages and to retain at the same time the control of the District Magistrate and the district authorities who are responsible for maintaining law and order. This amendment will allow the union board to take such action as is necessary to secure the due performance by the dafadars and chaukidars of the union of their duties. It will be open to the union board either to reprove or exhort them directly, to punish them in the manner allowed by the Bill or to report them to higher authority if the matter falls outside the purview of the union board. Government regard this amendment as reasonable and as expressing what their intentions in this matter are ; and they are therefore prepared to accept it."

The motion was then put and agreed to.

AMENDMENT No. 79.

The following motion was held to be covered by the decision on the previous amendment and was deemed to be withdrawn :—

The Hon'ble Babu Akhil Chandra Datta to move that for sub-clause (1) (a) of clause 28A (now clause 26) the following be substituted, namely :—

"(1) (a) shall exercise control over the dafadars and chaukidars of the union under rules, if any, made by the district board."

AMENDMENT No. 80.

The Hon'ble Babu Ambika Charan Mazumdar moved that after the word "union" in line 2 of sub-clause (1) (d) of clause 28A (now clause 26) the words "either constructed by it or made over to it for maintenance and" be inserted.

He said :—

"My Lord, on comparing the Bill which has now been presented to us after recommitment to the Select Committee and the amendments which were submitted at the meeting of the 18th February last, it appears that some of the amendments made by the non-official members have been accepted : some have been openly acknowledged, others have been tacitly admitted. but I do not suppose it has been decided that the residue of these amendments are to be thrown into the dust-bins or that the acceptance of any one of them would cast any reflection on the Select Committee. We, the non-official members, have, in the light of our judgment, made a number of amendments simply with a view to improving the Bill and making it acceptable to the public. Whatever the result may be, we are bound to press them, not for the object of taking up the time of the members on the side of Government which is no doubt very valuable, but I think our time has also some value and we do it from a sense of duty.

This amendment has reference to clause 28A (1) (d) [now clause 26 (1) (d)] which says that every union board shall have control of all drains and other conservancy works within the union which are not under the control of any other authority. I propose to add after the word 'union' these words 'either constructed by it or made over to it for maintenance and' I do it on purpose, because the clause, as it stands, is not exhaustive or if I am permitted to say is somewhat defective also. As it stands it means that all drains and conservancy works, whether public or private, unless they are under the control of some

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other authority shall be under the control of the union board. This is not what is probably intended to achieve by this sub-clause because there may be drains or other conservancy works which are entirely private. I do not think the union board would be competent at all to interfere with any private drain executed by a private person for his own convenience or any conservancy work which any private person may construct. Therefore, I suggest that after the word 'union' we should add 'either constructed by it or made over to it for maintenance and.' A private drain may be made over to the union board and they may make over such drains and conservancy works. A district board may make over certain conservancy works executed by them for maintenance to the union board and they should have control over such drains and conservancy works, but we cannot give them a large power of interfering with all drains and conservancy works which, though not made over by the district board, may be the property of private individuals. Therefore we ought to limit the control of the union boards to drains and other conservancy works which are either executed by the board or which may be made over to the union board either by higher authority or by a private person. To cover these I propose that these words should be added: otherwise the clause is open to grave objection as it allows the interference on the part of the union board with private drains or private conservancy works without any formal authority from the owner. As the clause is open to grave objection, I think my amendment should be accepted."

The Hon'ble Sir Henry Wheeler said :—

"My Lord, the Hon'ble Member appears to think that he has some grievance against the Select Committee. I should find it easier to disabuse his mind of that impression if I understood more clearly what his grievance is. On behalf of the Select Committee, I can only claim that they have done their best to discharge the task entrusted to them, in the course of which they put in many hours work. I most strongly repudiate any suggestion that they have cast a slur on any Hon'ble Member or thrown into the dust-bin amendments which have cost much time and labour. Whenever we have accepted the amendments of any Hon'ble Member, we have frankly acknowledged their suggestions, and I would ask the Hon'ble Member to believe that we have merely tried to evolve a better Bill in the light of the amendments of our Hon'ble Colleagues.

Turning now to the amendment, the clause, as it stands, defines the duties of union boards, and gives them control of all drains and other conservancy works within the union; I gather that the Hon'ble Member thinks that the provision will give them an undue right of interference with private drains. That they should have some right of interference with private drains is contemplated in the Bill; and I would instance clause 29 (b) under which they may cause private drains to be constructed, altered or removed, while under sub-clause (2) (ii) of the same clause they may cause the owner or occupier of any building to construct private drains therefor or to alter or remove private drains thereof. That they should have some powers over private drains is intended, and as the Hon'ble Member has not moved for the excision of these provisions, I take it that he is in agreement with them. But he seems to think that we have in some way vested private drains in the union board by the manner in which we have framed the clause. We have not, however, done so, as I think I can show to his satisfaction by the precedents of other Acts which this Bill has followed. Under section 115 of the Local Self-Government Act a union committee shall have control of all drains and other conservancy works within the union. That is practically similar in wording to our clause, and yet private drains have not been absorbed or vested in the union committee. Similarly, coming to section 190 of the Bengal Municipal Act, we find that all drains and privies shall be subject to

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the inspection and control of the Commissioners. As I read the clause it is merely a declaratory one, saying that the duties of the union board are to do such and such things. The Bill goes on in other sections to define the particular nature of the control to be exercised. I do not think the ill-effects of the clause are such as are imagined by the Hon'ble Member, and I would deprecate the amendment which, if accepted, would in effect declare that the union board must not interfere with private drains at all, and would be inconsistent with those portions of clause 29 (now clause 26) to which I have referred."

The Hon'ble Babu Ambika Charan Mazumdar said :—

"My Lord, I am not convinced as to the weight of the argument advanced by the Hon'ble Sir Henry Wheeler. It may be very desirable that the union board should have some hand in all drains and conservancy works within the union, but I think if we keep the clause as it is it would be giving very extensive powers to the union board over all drains within a union whether private or public. I believe it may be possible that the union boards will find themselves sometimes in a very hard position when people are not agreeable to give up their civic rights. I do not know whether by enacting this provision we can give them any legal right to interfere with private property whether it be in drains or other conservancy works. So we ought to confine this clause to works which are public property or which may have been made over to the union board by the owners of such works. We may give a very wide scope to this Bill, but that will not take away the rights of private individuals. I do not think we could effectively put into motion the provision which we have here. If we are to make it effective we ought to say that the works which are to be controlled by the union boards should be such as may have been vested in them by the operation of the law, or by being made over to them either by a public body or by a private individual. We cannot give them a large order to interfere with any and every work within the union."

The motion was then put and lost.

AMENDMENT No. 81.

The Hon'ble Mr. Provash Chunder Mitter moved that the word "and" at the end of sub-clause (1) (ee) of clause 28A (now clause 26) be omitted; and after the same sub-clause the following be inserted, namely :—

(ee) shall co-operate with the police and the magistrates and the circle officer for the control and detection of crime."

He said :—

"My Lord, this amendment is more or less consequential on the amendment No. 78 which has been accepted by the Council, and I, therefore, simply move it without any speech."

The Hon'ble Sir Henry Wheeler said :—

"My Lord, while I quite appreciate the importance of the object which the Hon'ble Member seeks to achieve by this amendment, I would deprecate its inclusion in the Bill simply for the reason that in all Bills, and particularly in matters having connection with the magistracy and the police, it is desirable that the functions to be specified should be definite and explicit. In the other matters included in clause 28A (now clause 26) as comprising the duties of a union board, it will be seen that each covers a definite act which the union board should do—they should control chaukidars, they should

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provide sanitation, they should make arrangements for conservancy, they should execute works for the preservation of public health, they should supply information, and so on. But when we come to the Hon'ble Member's amendment, we come to something which is purely hortatory—that they shall co-operate with the police and the magistrate. It is almost like saying that they shall be good and loyal citizens. Of course it is an admirable function to be a good and loyal citizen, but its mention in this form in an Act seems to me rather to depart from the customary features of legal enactments, and it is inconsistent with our usual legislative practice to put an exhortation of this kind in a Bill."

The Hon'ble Mr. Provash Chunder Mitter said :—

"If the amendment to clause 28A (now clause 26) be accepted, it is not necessary for me to have this clause, but at the same time I do think that these exhortations are unknown to Indian Legislature, but as my purpose is served by the amendment already accepted, I do not want to press it."

The motion was then, by leave of the President, withdrawn.

AMENDMENT No. 82.

The Hon'ble Babu Kishori Mohan Chaudhuri moved that after sub-clause (I) (ee) of clause 28A (now clause 26) the following be inserted, namely :—

"(eee) shall arrange for the vaccination of persons resident within its jurisdiction for small-pox and chicken-pox."

He said :—

"My Lord, my amendment is a very simple one. I simply want that vaccination should also be considered as one of the duties of union boards. The reason is that in the *mufassil* difficulties arise in connection with vaccination especially with the Muhammadans who observe special purdah system. But if it is done locally I do not think any difficulties will arise. Therefore instead of including it in the general term 'public health', I want it to be specifically mentioned in the proposed clause."

The Hon'ble Mr. O'Malley said :—

"My Lord, there are two reasons why Government are unable to accept this amendment. In the first place vaccination is not compulsory in rural areas. The Bengal Vaccination Act has been extended to all municipalities, to the Asansol Mining Settlement, to Kalimpong and Siliguri in Darjeeling, but it has not been extended to villages elsewhere in the Presidency. The union board will therefore be unable to enforce vaccination; without an extension of the Vaccination Act they would not be in a position to arrange for the vaccination of their neighbour's children, and the provision which the amendment seeks to introduce would be null and void. The Hon'ble Member may say he is not particular as to the wording, but merely wishes to establish the principle that members of the union boards should assist in vaccination. Here, however, we are dealing with positive duties and statutory obligations. The second objection to the proposal is that it provides that people should be vaccinated for chicken-pox. I fear my hon'ble friend has not a very expert knowledge of the etiology of disease or he would have been aware that vaccination is not a preventive against chicken-pox. It would add a new terror to the life of parents with large families if they had to vaccinate their children for chicken-pox, as well as for small-pox, and I should be very sorry to see any provision made in the Bill which might be said to disclose a

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somewhat scanty acquaintance with medical lore. "The proposal rather reminds me of a story I have heard of a question put in another Legislative Council in India. The question is said to have run—'Are Government aware of the number of deaths from lightning in certain parts of the province, if so, what action do they propose to take?' On behalf of Government I must oppose the amendment."

The Hon'ble Rai Radha Charan Pal Bahadur said :—

"My Lord, I heartily support the motion of my hon'ble friend deleting of course the reference to chicken-pox. I have heard Mr. O'Malley's reply and I am aware that there is no compulsory vaccination in the mafussal. But at the same time it must be admitted that our countrymen are anxious to have all the facilities for vaccination. The Hon'ble Mr. O'Malley will admit that it is a municipal measure and my hon'ble friend's proposal is only concerned with the municipal convenience of the public. The union boards will be established in areas in which there are no municipalities and although there is no compulsion, I think facilities ought to be provided for those who want to get themselves vaccinated in the areas. The boards ought to provide lymphs and ought to supply them to the local doctors so that people may get themselves vaccinated without any difficulty. I am told that at present no facilities in the mafussal are provided for vaccination. Surely Government cannot stand aside and see people dying there by hundreds and thousands in times of small-pox epidemic. What is the harm in inserting this provision here especially when the cost will be borne by the people themselves? Why should there be opposition on the part of the Government? Surely a thousand or two thousand lymphs in times of epidemic will go a longway in checking the spread of the disease. I yet hope that this amendment will be accepted and Government will reconsider their decision especially when the acceptance of this proposal will not harm anybody and will not diminish the prestige of the local authorities as it is not a question of political power but of municipal convenience."

The Hon'ble Rai Mahendra Chandra Mitra Bahadur said :—

"My Lord, I wish to speak a few words in connection with this amendment. It is well known that within the mafussal municipalities there are depôts in charge of the Civil Surgeon to provide facilities for vaccination and experience has shown that in times of epidemic, there is always a rush to the depôt for vaccination. It is not right, therefore, that these union boards to whom we are going to give so large powers in other respects, should not also provide facilities for vaccination? It may be arranged that there should be a supply of lymph in the village and the union boards may have power to arrange for its distribution. This, my Lord, is a simple matter and if the arrangement is left to the union board, it will be better for the people of the country."

The Hon'ble Babu Kishori Mohan Chaudhuri said :—

"My Lord, I am sorry I included the chicken-pox. It betrays my ignorance no doubt, but I am not ashamed of it as I am not a doctor. However, that may be, I think that facilities should be provided for the protection of the people against small-pox and I suggest that arrangements should be left in the hands of the union boards. I am not convinced by the Hon'ble Mr. O'Malley's arguments in opposing it, and in view of what has been observed by two other Hon'ble Members I still hope that my amendment will be accepted."

*The Bengal Village Self-Government Bill, 1919.**Mr. O'Malley; Maulvi Abul Kasem.***The Hon'ble Mr. O'Malley said :—**

"My Lord, as some reference has been made to the arrangement for vaccination in mufassal areas, I may point out that there is a staff of vaccinators who are sent out to vaccinate the children of those who are willing to undergo the operation. A circular has recently issued by which the duties of the Civil Surgeon in regard to vaccination will be placed in the hands of district health officers, who will be servants of district boards. The objection to this amendment is that it will place a statutory duty on the union boards when they have no arrangements for appointing vaccinators. I have no doubt that the assistance and co-operation of the members of union boards will in practice be called into requisition but under present conditions it would not be fair to place this statutory duty on them.

The motion was amended by the omission of the words "and chicken-pox" and a division was then taken with the following result :—

Ayes—18.

The Hon'ble Sir Rajendra Nath Mookerjee, K.C.I.E.
 " " " Niranjan Sarkar, Kt.
 " " " Raja Hrishikesh Lahiri, C.I.E.
 " " " Mr. Provash Chandra Mitter, C.I.E.
 " " " Kumar Shib Shekharewar Ray.
 " " " Sir Deba Prasad Sarbajit, Kt.,
 C.I.E.
 " " " Rai Debender Chunder Ghose Bahadur.
 " " " Radha Charan Pal Bahadur.
 " " " Mr. W. H. Phelps.
 " " " Dr. Abdul-lah-al-Mannan Suhrawardy.
 " " " Maulvi Abul Kasem.
 " " " Babu Bhabendra Chandra Ray.
 " " " Rai Sri Nath Ray Bahadur.
 " " " Babu Akhil Chandra Datta.
 " " " Rai Mahendra Chandra Mitra Bahadur.
 " " " Babu Mahendra Nath Ray, C.I.E.
 " " " Kishori Mohan Chaudhuri.
 " " " Ambika Charan Mazumdar.

Noes—22.

The Hon'ble Sir Henry Wheeler, K.C.I.E., C.S.I.
 " " " Mr. J. G. Cumming, C.S.I., C.I.E.
 " " " Sir Bijay Chand Mahtab, K.C.S.I.,
 K.C.I.E., I.O.M., Maharajahdiraja
 Bahadur of Burdwan.
 " " " Mr. J. H. Kerr, C.S.I., C.I.E.
 " " " O. J. Stevenson-Moore, C.V.O.
 " " " J. Donald, C.I.E.
 " " " L. S. S. O'Malley, C.I.E.
 " " " H. P. Duval.
 " " " M. C. McAlpin.
 " " " F. A. A. Cowley.
 " " " Colonel J. K. Close, M.D., I.M.S.
 " " " Mr. W. C. Wordsworth.
 " " " C. F. Payne.
 " " " S. G. Hart.
 " " " Khan Bahadur Maulvi Amin-ul-Islam
 " " " Mr. R. V. Mansell, O.B.E.
 " " " W. H. H. Arden-Wood, C.I.E.
 " " " Aminur Rahman.
 " " " L. V. N. Meares.
 " " " W. E. Crum, O.B.E.
 " " " G. A. Bayley.
 " " " Khan Sahib Aman Ali.

The Hon'ble Mr. Arun Chandra Singha abstained from voting.

The following members were absent :—

The Hon'ble Mr. F. C. French, C.S.I.

" " " The Nawab Bahadur of Murshidabad.
 " " " Babu Siv Narayan Mukharji.
 " " " Brojendra Kishor Ray Chaudhuri.
 " " " Mr. F. W. Carter, C.I.E., C.B.E.
 " " " H. R. A. Irwin, C.I.E.
 " " " M. Ashraf Ali Khan Chaudhuri.
 " " " Maulvi A. K. Fazl-ul-Haq.
 " " " Mr. Altaf Ali.
 " " " Babu Surendra Nath Ray.
 " " " Mr. K. B. Dutt.

The Ayes being 18, and the Noes 22, the motion was lost.

AMENDMENT No. 83.

The Hon'ble Maulvi Abul Kasem said :—

"My Lord, the next amendment which stands in the name of the Hon'ble Maulvi Fazl-ul-Haq, will, I find, be difficult to carry out in practice. I therefore beg permission to withdraw it.

The motion was then, by leave of the President, withdrawn.

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*Babu Kishori Mohan Chaudhuri; Mr. Provash Chunder Mitter;
Sir Henry Wheeler.*

It was as follows :—

The Hon'ble Maulvi A. K. Fazl-ul-Haq to move that after the proposed sub-clause (1) (ee) of clause 28A (now clause 26) the following be inserted, namely :—

"(ee) shall compile and maintain a register of marriages and divorces within the union, and such other registers or public records as the local Government may direct, in accordance with rules under section 111."

AMENDMENT No. 84.

The Hon'ble Babu Kishori Mohan Chaudhuri said :—

"My Lord, I have reconsidered the matter, and do not wish to press this amendment. I ask permission to withdraw it."

The amendment was then, by leave of the President, withdrawn.

It was as follows :—

The Hon'ble Babu Kishori Mohan Chaudhuri to move that after the proposed sub-clause (1) (eee) of clause 28A (now clause 26) the following be inserted, namely :—

"(eee) shall take emergency measures and shall provide for medical aid to victims in case any disease breaks out in the form of an epidemic within its jurisdiction."

AMENDMENT No. 85.

The Hon'ble Mr. Provash Chunder Mitter moved that the word "and" at the end of sub-clause (3) of clause 28A (now clause 26) be omitted; and after the same sub-clause the following be inserted, namely :—

"(3a) shall cause such processes as may be received for service from any court to be duly served by a dafadar or chaukidar and returned to the court, and."

He said :—

"My Lord, the principle of this amendment has already been accepted, but I would only ask Government to consider whether it is not desirable to have this clause or a similar provision in clause 28A (now clause 26) as well. The principle of it was accepted, when the Hon'ble Babu Akhil Chandra Datta moved his amendment No. 73. The only point to be considered now is whether it ought to find a place in clause 28A (now clause 26) as well."

The Hon'ble Sir Henry Wheeler said :—

"My Lord, we have already accepted the principle of the service of processes through chaukidars and dafadars, as the Hon'ble Mr. P. C. Mitter has remarked, and I do not think there is any harm in inserting a provision of this kind, though, here again, its form might be improved upon. I do not like the words "received for service from any court"; there may be revenue services, not issued by any court. Similarly, as regards the words "returned to the court." I think it will meet the case if we put the amendment in this form "that the word 'and' at the end of sub-clause (3) of clause 28A (now clause 26) be omitted and after the same sub-clause the following be inserted, namely: Shall cause such processes as may be received by the union board for service to be duly served by a dafadar or chaukidar in accordance with rules under section 111; and"

The amendment was then put in the modified form and agreed to.

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Babu Akhil Chandra Datta, Sir Henry Wheeler, Rai Radha Charan Pal Bahadur.

AMENDMENT No. 86.

The Hon'ble Babu Akhil Chandra Datta moved that after the words "district board" in line 2 of sub-clause (1) of clause 29 (now clause 27) the words "or local board" be inserted.

He said :—

"I think this is a most non-controversial proposition. Clause 29 (now clause 27) refers to the powers of the union board as to sanitation, conservancy and drainage and the clause lays down that there are certain steps that can be taken by the union board on their own initiative, and then it lays down, that if the district board orders them to do so, that order will be binding upon them, because in that case the union board shall do it. I only want to add that like the district board, it will be competent to the local board also to pass an order like that. That is all that is recommended in this amendment."

The Hon'ble Sir Henry Wheeler said :—

"My Lord, this amendment deals with a provision which was inserted by the Select Committee on its first examination of the Bill. The clause lays down certain sanitary powers and duties of the union board, and it was suggested to the Select Committee that the union board might be lax in the exercise of these powers, and therefore that it would be useful to authorise the district board, in the case of neglect of duty, to step in and to order the union board to do so and so. On the merits there is much to be said for the idea, and we put it in the Bill as a matter which was worth consideration, though we apprehended that, possibly, objection would be taken to it, as giving rather wide powers to district boards of bringing the union boards into line. Far from objection having been taken to it, however, the only proposal on the point is for the extension of this mandate to the local board. That is carrying the principle which we accepted a little further than we contemplated—carrying it to a body which is not of the standing of the district board, and, which is rather more important, it is carrying it down to a body which has not got the funds of the district board. That is a point which is well worth the consideration of the Council. The local board is the agent of the district board, its resources are restricted, and it will not ordinarily be in a position to make an independent grant to the union board. Therefore its position is materially different from that of the district board, which, if it decides that the union board shall be directed to do so and so, will be bound to consider how they are going to do it, and probably come to their financial aid. The same consideration will not apply to the local board, and there is, therefore, a difference in conferring this power on that body. However, as I say, the principle is one which we accepted, in Select Committee, and I should be prepared to leave it to the Council whether they would like the principle to be extended to the local board also."

The Hon'ble Rai Radha Charan Pal Bahadur said :—

"My Lord, I must oppose this motion. The union board is only newly come into existence. Over its head will be the district magistrate, the sub-divisional officer, the circle officer, and again the district board will sit upon it, and if you allow the local board also to sit upon it, there will be no life left in it. I think it is better to let the union board have a little independence of its own. It should not always act as the *hookum bardar* of so many people. Therefore, I insist that the local boards may not be allowed to sit upon it. If the union board is also to carry out the mandates of all these persons and bodies, there will hardly be any life left in it to carry them all out."

*The Bengal Village Self-Government Bill, 1919.**Babu Akhil Chandra Datta ; Maulvi Abul Kasem.***The Hon'ble Babu Akhil Chandra Datta** said :—

"My Lord, as I was listening to the arguments of the Hon'ble Sir Henry Wheeler, I was almost feeling half inclined to withdraw my motion, because although I am not in full agreement with all his arguments, still I feel that in view of the present financial position of the local boards, they may only be in a position to give orders without being able to finance them. I feel there is a good deal of force in that. My first feeling was to withdraw my motion, and that feeling has been strengthened by the attitude of my hon'ble friend Rai Radha Charan Pal Bahadur, but at the same time, I must draw the attention of the Rai Bahadur to clause 55A (now clause 50) of the Act which lays down that, subject to the control of the district board, a local board shall superintend the administration of the union board, etc., etc. My motion is, therefore, in accordance with the provisions of this Bill. It is the local board which is primarily responsible for superintending and controlling the administration of the union board. This function has been especially entrusted to the local board. There are, of course, the district magistrate, the circle officer and so on. They may be too much for the union board, but at the very outset it is the local board whose orders they will be bound to carry out in all matters, so that even if this particular amendment is rejected the fact remains that the authority of the local board will always be binding upon the union board. However, I appreciate the argument of the Hon'ble Sir Henry Wheeler when he says that as the local boards have not got any funds, it is no use giving them that power. I therefore ask permission to withdraw my motion."

The motion was then, by leave of the President, withdrawn.

[At this stage the Council adjourned for lunch.]

AFTER LUNCH.

AMENDMENT No. 87.

The Hon'ble Maulvi Abul Kasem moved that before the word "any" in line 1 of sub-clause (1)(d)(ii) of clause 29 (now clause 27) the words "subject to the following proviso in regard to manure pits" be inserted; and after the word "necessary" at the end of sub-clause (1)(d) the following be inserted, namely :—

"Provided that this provision shall not affect manure pits, but the union board may direct the owner thereof to make the manure pit sufficiently deep so as not to affect sanitation."

He said :—

"My Lord, I have thought it advisable to press this amendment in view of the fact that in an agricultural country like Bengal where every peasant and cultivator has to keep a manure pit for the collection of manures, there should be some provision to see that the union board does not cause it to be closed simply on the ground that it is injurious to health. Certainly the existence of a manure pit in the close vicinity of dwelling houses is injurious to health, but I am afraid it is a necessary evil—which will have to be tolerated because we can ask the whole body of villagers to keep their manures in a separate place outside the village. I think, some provision should be made to see that these manure pits are not interfered with. But the owners of these pits may be directed to make these pits sufficiently deep so as to minimise the bad effects so that they may not affect injuriously the sanitation of the village. With these words, my Lord, I beg to move this amendment."

*The Bengal Village Self-Government Bill, 1919.**Mr. O'Malley; Maulvi Abul Kasem.***The Hon'ble Mr. O'Malley said :—**

"My Lord, the sub-clause to which the Hon'ble Member proposes an amendment is based on the existing provisions of the Local Self-Government Act, under which a union committee may deal with any tank, well, pool, ditch, drain or place containing, or used for the collection of, any drainage, filth, stagnant water or matter likely to be prejudicial to health by draining or cleansing it, or otherwise preventing it from being prejudicial to health. It has not been found necessary in the working of the Self-Government Act to have any saving clause as to manure pits. This is a matter which can surely be left to the good sense and discretion of the members of the union boards who know village conditions and the circumstances of their neighbours. The amendment, as it stands, is in any case open to objection, because if it was accepted, however offensive or even dangerous to health a manure pit might be, the union board could do nothing except order the owner to deepen the pit. Deepening might not remove the nuisance, while it might be actually mischievous. For instance, if the pit were close to a well and it was deepened the filth might percolate through to the well and pollute the water.

I would, therefore, deprecate the addition of an amendment making any special exception in favour of these receptacles of somewhat nauseous matter."

The Hon'ble Maulvi Abul Kasem said :—

"My Lord, I thought it necessary to bring to the notice of this Council and of your Excellency's Government the necessity of having manure pits. It is no doubt that the union boards will exercise due discretion when passing orders about manure pits, but my apprehension was that sometimes some over-zealous officers of Government when they go into these unions and find these manure pits here and there may direct the board to take steps against them and the board will not be bold enough to resist these orders and instructions. In one or two cases in my district I have seen the Civil Surgeon asking the Chairman of the union committee to see that these manure pits were removed from the neighbourhood of residential houses, but at least in these cases the Civil Surgeon was made to understand the situation which was explained that in an agricultural country these pits were most essential but still he said he would like to have it done but did not insist upon it. Therefore I thought it necessary to bring forward this amendment, but if the Hon'ble Mr. O'Malley is of opinion that this provision is unnecessary, I do not wish to press it."

The motion was then, by leave of the President, withdrawn.

AMENDMENT No. 88.

The Hon'ble Maulvi Abul Kasem, in the absence of the Hon'ble Maulvi A. K. Fazl-ul-Haq, moved that the word "reasonable" before the word "period" in line 2 of sub-clause (2) of clause 29 (now clause 27) be omitted, and at the end of the same sub-clause the following be inserted, namely :—

"Provided that the period specified in such notice shall be such as to give a reasonable opportunity to the owner or occupier, as the case may be, to carry out the requisition contained in the notice, and shall, in no case, be less than one month from the date on which the notice is actually served."

*The Bengal Village Self-Government Bill, 1919.**Sir Henry Wheeler : Maulvi Abul Kasem ; Kumar Shib Shekhaheswar Ray.*

He said :—

"My Lord, in the Bill itself it is only suggested that a reasonable period is to be specified therein. This amendment does not want this reasonable period to be left to the discretion of the union board itself, but it says that the period shall, in no case, be less than one month from the date on which the notice is actually served as it may cause a great hardship to the people who may be asked to carry out the instructions within a shorter period. The amendment will remove that disadvantage and hardship and I hope it will be accepted."

The Hon'ble Sir Henry Wheeler said :—

"My Lord, I will be as brief in my remarks as possible in order to speed up the proceedings. This is a matter in which the Select Committee, at the second revision, tried to meet the Hon'ble Member, but apparently has not succeeded in doing so. Previously, the clause merely required a period to be specified. In consideration of the amendments, of which notice was given on the previous occasion, we added the word "reasonable." Now the Hon'ble Member wants to add that the period of notice shall not be less than a month. We considered this point in Select Committee, and we did not think it desirable to put it as suggested, because if there was an epidemic or anything of that kind raging in a village, circumstances might arise in which it would be desirable to take immediate action. We, therefore, thought it best to leave it to the discretion of the union boards, merely stating that the period of notice should be reasonable. I may point out that an appeal lies against an order, and we may take it that if any action is unreasonable, the appellate authority will set the matter right."

The Hon'ble Maulvi Abul Kasem said :—

"My Lord, I do not press this amendment and I ask your Excellency's permission to withdraw it."

The motion was then, by leave of the President, withdrawn.

AMENDMENT No. 89.

The Hon'ble Kumar Shib Shekhaheswar Ray moved that the word "tank" in line 2 and the word "pond" in line 3 of sub-clause (2) (iii) of clause 29 (now clause 27) be omitted.

He said :—

"My Lord, the powers with which the union board is going to be vested under clause 29 (now clause 27) are extremely wide and of far-reaching consequences. These powers are not enjoyed by the present union committees, nor even by the district boards. Of course, the municipalities are vested with these powers and there can be no doubt that they are essential to secure improvements in the matter of village sanitation. But we must not forget at the same time that the conditions in the villages are not the same as in the towns. Public opinion is a great check in municipal towns against an abuse of these powers, but the public opinion in the villages cannot be expected to be effective to the same degree. In the villages, the zamindars and the moneyed class will exert a considerable influence on the union boards. We should, therefore, see that we do not leave the bulk of the village population too much at the mercy of these boards. My Lord, I should here make it clear to the House that I am not moving this amendment for the benefit of the land-holding classes. They are too powerful in the villages to be worried

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by the union boards. On the other hand, my amendment, if accepted, will save the poor and helpless ryots from being harassed by vindictive zamindars for whom it would not be at all difficult to utilise the services of union boards to crush the victims of their anger. Most of the tanks and ponds in the villages are in a filthy condition. But it is beyond the powers of an average villager to re-excavate or fill up a tank. An order to do so will mean his ruin. I know that there is a provision for an appeal against such an order. But even this provision will not save him from being unduly harassed. I would, therefore, request the House to omit the words 'tanks and ponds' from the clause. If it be found necessary to fill up or re-excavate a particular tank, the union board must come forward to take up the work itself and not compel the poor owner to do so, as that, I assert again, would be absolutely impossible for an average villager to do even by selling his entire holding."

The Hon'ble Mr. Hart said :—

"My Lord, on behalf of Government, I must advise the Council not to accept this amendment. It is one of the first principles of organised social life that no person may, by his acts or neglects, cause danger or offence to other members of the community. He may not treat even his own property in such a way that the safety or health of his neighbours is endangered. Clause 29 (now clause 27) of the Bill has been framed to give the representatives of the inhabitants some power to deal with cases of defiance or neglect of this fundamental principle of civilised life. It is provided under sub-clause (1) (d) that if any well, pool, ditch, tank, pit, pond or any place where drainage, filth or stagnant water is contained or collected is in such an insanitary condition as to be offensive or injurious to the health of the residents, the union board may take suitable action to render such place innocuous. Under sub-clause (2), the union board is empowered in such cases to require the owner or occupier of the land to which such insanitary place pertains to himself take the necessary action. Under sub-clause (3), the union board is empowered, in case the owner or occupier defaults, to have the work done on its own authority and to recover from the defaulter the whole or such portion of the cost as the union board may decide to be reasonable and fair.

These provisions appear to be justifiable and sound and the Hon'ble Kumar Shib Shekhareswar Ray does not impugn the principles on which they are based. He apparently agrees that sub-clause (1) (d) requires no amendment, although that sub-clause expressly covers 'a tank' and 'a pond'. As he does not propose to modify sub-clause (2) except in so far as it refers to a tank or pond, it is also evident that he sees no grave injustice in requiring the owner of a dirty well, pool, ditch or pit to meet the expense necessarily incurred in making it sanitary. His only apprehension is that the interests of the owner of a tank or pond may be injuriously affected. He has, however, not attempted to show and it would be difficult to conceive how he would attempt to prove that it is reasonable to exempt the owner of a pond or tank from the same liability to keep it in a sanitary condition as is imposed on the owner of a well, pool or ditch.

My Lord, the ownership of a large tank implies a certain degree of affluence; and it seems that there is no possible justification for this amendment other than the safeguarding of the interests of the more well-to-do portion of the community. As an adequate safeguard has always been provided by the right of appeal in the Bill, the amendment is unnecessary. Its adoption would be not only a setback to the progress of the course of village sanitation, but would also be unfair to the owners of other kinds of property to whom a similar exemption is not granted."

For these reasons, my Lord, I oppose the amendment."

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Kumar Shib Shekharewar Ray.*

The Hon'ble Rai Radha Charan Pal Bahadur said :—

"My Lord, I rise to oppose the amendment moved by the Hon'ble Kumar. I thoroughly agree with what has fallen from the Hon'ble Mr. Hart. It must not be presumed that in these days of advancement—advancement not only of political education but also of sanitary education—that we the non-official members, especially the Indians are backward. I am rather sorry that my hon'ble friend Kumar Shib Shekharewar Ray has suggested the omission of the words 'tank' and 'pond'. He has overlooked, well, pool, ditch, pit, etc., which belong to poor persons. A wealthy person, may poison his neighbour or make the whole area insanitary by keeping a tank or pond. Therefore, I think, this clause ought to be maintained in the interest of the health of the community. It may be said that there are some vindictive people who might satisfy their grudge against somebody. But we should not allow this apprehension to stand in the way of our having a measure of self-government in this country. We have more than one member on the union board and we should certainly trust to the intelligence, common sense and—sense of justice of the members of the board as a whole. Further, there is an appeal provided in clauses 29 and 30 (now clauses 27 and 28). Surely, it cannot be presumed, and I know from my own experience that, however, vindictive and evil-intentioned a person may be,—he cannot have such an overwhelming influence as to carry the whole board with him. So there need be no apprehension and the Hon'ble Kumar will do well to drop the amendment in the interests of sanitation."

The Hon'ble Rai Mahendra Chandra Mitra Bahadur said :—

"My Lord, I wish to submit a few observations. I am sorry to oppose the amendment. The object of the Bill is to secure sanitation in the villages and the gentleman who goes to the villages, the first thing he will notice, is the insanitary condition of the tanks. Consequently, it is the duty of the union board to have this nuisance removed and therefore notices ought to be served either upon the occupier or the owner of these properties. It will not be hard, if the notice is served upon the zamindar. He can take measures to see that the insanitation is removed. If the insanitary condition of tanks or ponds are not improved in the villages, what is the necessity of a Bill like this? The primary object of the Bill is to secure sanitation, and therefore I am very sorry to oppose the amendment. If the amendment is carried out, then I am sure the sanitation will not be secured. The villages are full of jungles which should be removed. If a rational view of the question be taken into consideration, I believe this amendment ought not to be accepted."

The Hon'ble Kumar Shib Shekharewar Ray said :—

"My Lord, I have nothing further to add to what I have said regarding this amendment. But I am very sorry that my amendment has been opposed by some of the non-official members of this Council. But my only gratification is that they belong to the towns and not to the villages. Had they known the conditions in villages they would have supported my amendment. In view of the another amendment which stands in my name, No. 90, I beg to withdraw this amendment."

The motion was then, by leave of the President, withdrawn.

*The Bengal Village Self-Government Bill, 1919.**Kumar Shib Shekhareswar Ray; Mr. Hart.***AMENDMENT No. 90.**

The Hon'ble Kumar Shib Shekhareswar Ray moved that after sub-clause (2) of clause 29 (now clause 27) the following be inserted, namely :—

"Provided that in the case of a work referred to in clause (2) (iii) where the area exceeds 400 square yards, half the cost of such work shall be paid by the union board."

He said :—

"My Lord, my reasons for moving this amendment are the same as those in the case of the previous one. My case is that it is impossible for 99 per cent. of the villagers to re-excavate or fill up a tank of a size bigger than 400 square yards in area. If it is really necessary that such a tank should be filled up or re-excavated, my prayer is that, the union board at least should come to the help of the poor owner. This provision will at least save a villager from being wantonly asked to comply with an order of the board in this respect, as in this case, because the board would have to bear a part of the expenses, it would think twice before it passes an unreasonable order. I appeal to the Government and the members of this Council to grant my prayer which, if my colleagues would kindly think over it, would seem quite reasonable and fair. I beg to point out that I am leaving the board a free hand in respect of insanitary wells, pools, ditches, pits and smaller tanks. The costs of carrying out an order regarding them would not be so prohibitive as that regarding a big sized tank. My Lord, I therefore hope, that my amendment would be accepted."

The Hon'ble Mr. Hart said :—

"My Lord, I must ask the Council not to accept this amendment. In opposing the last amendment, I pointed out that provision for an appeal against an order of a union board is made in sub-clause (4) of clause 29 (now clause 27), and that it will be for the union board to determine how much of the cost of putting an objectionable tank into sanitary condition should be paid by the owner or occupier. There is no reason to apprehend that the owner of a large tank will not receive at least as much consideration from the union board or the chairman of the district board, as the owner of a small tank, pond or pool. It will be the duty of the union board to decide each case on its merits and to determine how much of the cost of the work should be paid by the owner or occupier and how much can fairly and reasonably be charged to the union fund. As they will probably be fully acquainted beforehand with all the facts and circumstances of each case, the union board will be qualified to come to a right decision. The Hon'ble Kumar Shib Shekhareswar Ray proposes that in every case when a tank, pond or pool of area exceeding 400 square yards, or a quarter of a bigha, is taken up by a union board and put into sanitary condition, half the cost of the work should be borne by the union board. The effect of this amendment would be to confer a privilege on the owners of the largest tanks, that is, ordinarily on the most affluent residents and landlords, at the expense of the other rate-payers of the union. The conferment of such a privilege would be unreasonable and still more unjust."

For these reasons, My Lord, I oppose the amendment."

The Hon'ble Rai Radha Charan Pal Bahadur said :—

"My Lord, my hon'ble friend Kumar Shib Shekhareswar Ray has again appealed to the members of municipalities coming from towns. I wish, therefore, to say a few words. I am afraid if the Hon'ble Mover will kindly read

*The Bengal Village Self-Government Bill, 1919.**Sir Deba Prasad Sarbadhikari ; Kumar Shib Shekhareswar Ray ;**Babu Akhil Chandra Datta.*

and consider the wording of his amendment he will find that if this amendment is accepted, the board will be compelled to pay the cost of clearing or filling up or cleansing any pond, tank well, ditch, etc., or of improving the same from the funds of the union board irrespective of the circumstances of the party. It may be that my hon'ble friend the Kumar may be the owner of a big tank in that area, and if this amendment is accepted by the Council then he can very well claim that the cost should be defrayed by the union board. Although, I belong to the city, I have got some experience of these things because we have got a similar clause in the Calcutta Municipal Act where we have evidence to show that if the owner of a tank cannot carry out the improvement himself we advance the money from the funds of the Corporation.

After a very careful examination of clause 29(3) [now clause 27(3)] I find that the union board can call upon the owner to pay part or the whole of the cost, and therefore, I think, the contingency of accommodating the very poor people is provided here, but whereas if this amendment is accepted, then the union board will be compelled to spend every farthing of their funds for the improvement of other people's property, whatever the wealth or position of that party may be."

The Hon'ble Sir Deba Prasad Sarbadhikari said :—

"My Lord, I should like to endorse Sir Henry Wheeler's plea for expediting the proceedings. The way we are getting on, we are not likely to finish our labours in three or four days. From one extreme of supporting amendments some of us have now come to the other extreme opposing the amendments and labouring the opposition as if the joint pressure of Sir Henry Wheeler, Mr. Kerr, Mr. Duval and Mr. O'Malley is not enough to flatten out any *Gayasur* of an amendment. Where it is necessary to oppose an amendment, it ought to be enough to indicate the opposition. If we are really to get through the Bill as quickly as we would like to little more self-restraint all round would be useful."

The Hon'ble Kumar Shib Shekhareswar Ray said :—

"I have nothing to add to what I have said, my Lord."

The motion was then put and lost.

AMENDMENT No. 91.

The following motion was deemed to be withdrawn :—

If motion No. 90 be carried, the Hon'ble Kumar Shib Shekhareswar Ray also to move that after the word "thereof" in line 5 of sub-clause (3) of clause 29 (now clause 27), the words "as the case may be," be inserted.

AMENDMENT No. 92.

The Hon'ble Babu Akhil Chandra Datta said :—

"My Lord, a similar amendment to this has already been lost, so I do not wish to press this."

The motion was then, by leave of the President, withdrawn.

It was as follows :—

The Hon'ble Babu Akhil Chandra Datta to move that after the words "district board," in lines 2 and 3 of sub-clause (4) of clause 29 (now clause 27), the words "or local board," be inserted.

*The Bengal Village Self-Government Bill, 1919.**Maulvi Abul Kasem; Sir Henry Wheeler.***AMENDMENT No. 93.**

The Hon'ble Maulvi Abul Kasem moved that at the end of sub-clause (4) of clause 29 (now clause 27) the following be added, namely :—

"The appeal shall be filed within fifteen days from the date of service of the notice."

He said :—

"My Lord, as no period has been fixed for appeals, I propose this amendment."

The Hon'ble Sir Henry Wheeler said :—

"Sir, the Hon'ble Member's amendment does refer to a defect in the Bill in that we have not stated a period within which the appeal should be filed. In a matter of this kind, fifteen days is a fair period, and I accept this amendment with the slight verbal alteration, viz., that instead of 'the appeal' we would have 'such appeal.'"

The motion was then put in the modified form and agreed to.

AMENDMENT No. 94.

The Hon'ble Maulvi Abul Kasem said :—

The next amendment which stands in the name of the Hon'ble Maulvi Fazl-ul-Huq provides also for the period of appeal, but I will not move it, but will move No. 95 which stands in my name and which also provides similarly for the period of appeal.

The motion was then, by leave of the President, withdrawn.

It was as follows :—

The Hon'ble Maulvi A. K. Fazl-ul-Haq to move that the word "reasonable" before the word "period" in line 5 of sub-clause (2) of clause 30 (now clause 28) be omitted and at the end of the same sub-clause the following be inserted, namely :—

"Provided that the period specified in such notice shall be such as to give a reasonable opportunity to the owner or occupier, as the case may be, to carry out the requisition contained in the notice, and shall, in no case, be less than one month from the date on which the notice is actually served."

AMENDMENT No. 95.

The Hon'ble Maulvi Abul Kasem moved that at the end of sub-clause (4) of clause 30 (now clause 28) the following be added, namely :—

"The appeal shall be filed within fifteen days from the date of service of the notice."

He said :—

"My Lord, I only move this amendment. The principle underlying it is similar to No. 93 which has been accepted by Government."

The Hon'ble Sir Henry Wheeler said :—

"The principle underlying this is the same as that in 93, and for the same reason I accept it with the same verbal alteration, that is to say, for 'the appeal' I would substitute 'such appeal'."

The Bengal Village Self-Government Bill, 1919.

*Mr. P. C. Mitter; Sir Henry Wheeler; Babu Kishori Mohan Chaudhuri;
Mr. Hart.*

The Hon'ble Mr. Provash Chunder Mitter said :—

"I would like to draw Your Excellency's attention to the fact whether in rural areas, fifteen days is enough, or whether more time ought to be granted."

The Hon'ble Rai Radha Charan Pal Bahadur said :—

"At the risk of being thought too talkative, I think this is a retrograde proposition. No fixed time should be stated here, but a reasonable time allowed. In Calcutta I find people are not quite aware as to when the time expires for hearing an appeal. I think the Hon'ble Member would do well not to press his motion."

The Hon'ble Sir Henry Wheeler said :—

"My view is that a period of fifteen days is not unreasonable, and if it is a matter of urgency, we want the persons concerned to file their appeals quickly. Fifteen days gives them fair time to ask to have an order revised, and for my part I am prepared to accept the motion."

The motion was then put in the modified form and agreed to.

AMENDMENT Nos. 96 & 97.

The Hon'ble Babu Kishori Mohan Chaudhuri moved that for the words "ten rupees" in line 9 of sub-clause (3) of clause 31 (now clause 29) the words "four rupees" be substituted.

He also moved that for the words "two rupees" in line 10 of sub-clause (3) of clause 31 (now clause 29) the words "one rupee" be substituted.

He said :—

"It is a question of daily fine under sub-clause (3) of clause 31 (now clause 29) where it is provided that there should be a daily fine in addition to the fine imposed for the non-performance of certain things. In the case of masonry buildings there should be a daily fine of Rs. 10 and Rs. 2 for non-masonry buildings. It seems that the purpose will be served if the fine is Rs. 4 in the former case and Rs. 1 in the latter for daily disobedience. It is a simple matter and I hope it will be accepted."

The Hon'ble Mr. Hart said :—

"My Lord, I must advise the Council not to accept this amendment, or rather the two amendments 96 and 97. The penalties provided in the Bill now before the Council are exactly the same as in section 118 of the Local Self-Government Act of 1885, and no protest has ever been raised nor has any opinion been received from any person who has reported on the Bill, that the penalties provided in the Act of 1885 were excessive. The Council will also be interested in learning that no recommendation has been made to the Select Committee for any modification of this clause. The Hon'ble Babu Kishori Mohan Chaudhuri has not objected to the substantive fine but proposes that in the case of a masonry building, where a substantive fine up to Rs. 100 may be imposed, the limit of the continuing fine should be Rs. 4 instead of Rs. 10. The Hon'ble Member has tacitly admitted that the substantive fine provided is not excessive and I would submit that when a person who has been fined still continues to disobey the magistrate's order, a further continuing fine not exceeding one-tenth of the maximum substantive fine is not disproportionate. As regards non-masonry buildings,

*The Bengal Village Self-Government Bill, 1919.**Babu Kishori Mohan Chaudhuri; Babu Akhil Chandra Datta.*

the substantive fine is Rs. 20 and a provision is made for a further daily fine not exceeding Rs. 4 in case the offence is still continued after the magistrate has ordered it to stop. In this case the Hon'ble Babu Kishori Mohan Chaudhuri desires that the fine should not exceed Re. 1, although he does not object to the substantive fine, and as the penalties are exactly the same as were provided in the old Act of 1885, I would submit that no reason for supporting these amendments has been made out."

The Hon'ble Babu Kishori Mohan Chaudhuri said :—

"I have nothing further to add, my Lord. I leave the matter in the hands of Government. I thought it excessive and therefore, I suggested a reduction; because the same amount has been provided for in other enactments, that is no reason why it should be so in this case, especially as in this case poor mafussul persons are concerned.

The motions were then put and lost.

AMENDMENT No. 98.

The Hon'ble Babu Akhil Chandra Datta said :—

"My Lord, for reasons explained by the Hon'ble Sir Henry Wheeler in respect of amendment No. 86 reasons which I have also accepted, I should not like to press this amendment."

The motion was then, by leave of the President, withdrawn.

It was as follows :—

The Hon'ble Babu Akhil Chandra Datta to move that after the words "district board" in line 5 of sub-clause (1) of clause 32 (now clause 30) the words "or local board," be inserted.

AMENDMENT No. 99.

The Hon'ble Babu Akhil Chandra Datta moved that the following be inserted after clause 37 (now clause 36), namely :—

"37A. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, the president of a union board shall have powers current with those of the officer in charge of the police-station within the local limits of whose jurisdiction the union is situated, for the arrest of persons enumerated in sections 54 and 55 of the Code of Criminal Procedure, 1898, and the provisions of the said Code arrest shall apply *mutatis mutandis*.

"37B. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, the president of a union board shall have concurrent jurisdiction with that of the officer in charge of the police-station within the local limits of whose jurisdiction the union is situated, in exercising all the powers and performing all the duties laid down in Chapter XIV of the Code of Criminal Procedure, 1898, respecting information and investigation of the following offences, namely :—Offences under sections 143, 147, 269, 277, 279, 283, 324, 325, 335, 341, 342, 379, 380, 411, 428, 447, 448, 453, 454, 456 and 457 of the Indian Penal Code.

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(2) All the provisions of Chapter XIV of the Code of Criminal Procedure, 1898, applicable to an officer in charge of a police-station, shall be applicable, *mutatis mutandis*, to the president of a union board :

Provided that the power conferred under section 170 of the Code of Criminal Procedure, 1898, shall not be exercised by the president of a union board without the concurrence, in writing, of two other members of the union board elected annually in that behalf by the members of the union board.

"37C. The president and other members of the union board shall exercise the powers conferred by sections 37A and 37B subject to the control of the district magistrate and subdivisional magistrate.

"37D. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, the president of a union board shall exercise the powers contemplated by sections 64, 127 and 128 of the said Code."

He said :—

"The proposal for investing the headman of the village with police powers is not a new one. It is an old proposal urged from time to time by many responsible administrations and statesmen. But no step has yet been taken in this behalf. The Police Commission of 1902-03 remarked :—'The Commission are strongly convinced of the impossibility of carrying on an efficient police administration by means of official policemen only. It is absolutely essential to secure the aid of the village community. This is necessary from the purely Government point of view : It is impossible to support the expense of a force which would be adequate to obtain information regarding crime over the extensive area and among the vast population of India, without securing the co-operation and enforcing the responsibility of the village authorities. It is necessary also from the people's point of view. Even if the expensive establishment required could be maintained, it would be vexatious and intolerable to the people. Constant interference by the police, constant espionage on village life, constant visit of officials of the lowest grade, constitute an intolerable burden and vexation to the people. It is immeasurably better to utilise and develop the village agency for reporting crime, to leave the people, as far as possible, to dispose of petty matters for themselves, and to limit interference to villages when there has been failure in the discharge of responsibility in respect of reporting, or to cases in which the matter is serious enough to demand interference.'

We read again in paragraph 44 of the said report :—'The village community is represented "ordinarily" by its headman ; and effective police administration must be based on the recognition and enforcement of the responsibility of the headman. He is the man who can really help the police, his position and influence should be strengthened ; and it is to him that the police should look for co-operation in their work. . . . The Commission consider it to be of vital importance to emphasise the responsibility of the village headman, and to hold the village police-officer, by whatever name he may be locally known, responsible rather as the subordinate of the village headman and his servant for the performance of police functions. The village headman for police purposes ought, as far as possible, to be the man recognised as headman in respect of the revenue and general administration of the village ; when that is impossible, he ought to be a man of position and influence in the village ; and the district officer ought to maintain and strengthen his position and influence. It is necessary to repose a large discretion in him and firmly to acknowledge his respectability and

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authority in the village'. Accordingly the Police Commission made the following two most important recommendations :—

- (a) That it is of paramount importance to develop and foster the existing village agencies available for police work.
- (b) That the responsibility of the village headman for the performance of the village police duties should be recognised and enforced in every province.

But no serious and sustained efforts have been made to execute these recommendations. Some half-hearted measures of a spasmodic character have been taken from time to time to give police powers to the village headman. The president of the panchayat system introduced by Mr. Savage in 1904 was invested with powers under sections 64, 127 and 128 of the Criminal Procedure Code. He was authorised to correspond directly with the magistrate; and the chaukidars were required to parade before him. These powers might satisfy his vanity, but after all real power and responsibility cannot be substituted by such illusory make-believe. These reforms were in keeping with the latter, but not with the spirit of the recommendation of the Police Commission. We have the verdict of the District Administration Committee who rightly observed that the scheme was a step in the right direction, but that it did not go far enough towards giving the president any real power or responsibility. Even these so-called and small powers were resented by the police, and we find that even the parade of chaukidars before the president was discontinued later on. It may be said without any exaggeration that the presidents of to-day even in those districts in which the system has survived unaltered do not enjoy or exercise the shadow of any police power. The District Administration Committee recommended that the continued union panchayats which are to be the foundation of the structure of the Local Self-Government should exercise not only municipal, and judicial functions but police function to boot. That report is the basis of the Village Self-Government Bill, and it must have struck the most superficial student of the Bill that though provisions have been made for giving municipal and judicial powers of a very responsible character to the presidents they have not been invested with any police function.

There is an apprehension in certain quarters that substantial police power given to the presidents will have the effect of weakening the influence of the regular police in the villages. There are some extremists amongst the officials who would divest the village Council of all police functions. We know that various steps have been taken from time to time to enhance the influence of the official police in the villages. It is a matter of profound regret that the framers of the Bill before us should have accepted and acted upon this orthodox opinion. The present Bill is the outcome of a policy of trust in the people. It is based upon the doctrine laid down by Sir Rivers Thompson half a century before, while introducing the Chowkidari Bill, 1870, that it is the duty and policy of the Government to leave as much as possible of the business of the country to be done by the people themselves. This Bill proposes to give us powers which were formerly withheld. It is proposed to invest the president with powers of a magistrate and a munsif. These are powers of immense responsibility. How is it then that the framers of the Bill do not venture to give him the powers of a daroga. Babu Dakshina Charan Sen, a retired Deputy Magistrate has, in his illuminating and valuable note, shown, on the basis of figures taken from Police Administration Report the absolute futility of police investigation in certain classes of offences. He has shown that the police may be relieved of these duties with advantage both to the Government and to the people, and he has emphasised the importance of investing the union board with powers enjoyed by police-officers under the Criminal Procedure Code. I do not propose nor have I the power

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in a Provincial Council to propose, that these powers should be given exclusively to the village president. I only propose that the president should enjoy these powers concurrently with the thana officers. I concur with Babu Dakshina Charan Sen in recommending that for the present the president be given power to take cognizance of the following offences under the Penal Code, namely, sections 143, 147, 269, 277, 279, 283, 321, 325, 335, 311, 342, 377, 380, 411, 428, 447, 448, 453, 454, 456 and 457.

My Lord, I think it is high time that these police functions should be entrusted to the president of the union boards. That was the recommendation of the District Administration Committee ; there is no reason why, while the other recommendations have been accepted, this particular recommendation should not be accepted. As regards the powers under sections 64, 127 and 128, these are powers which, as a matter of fact, were conferred already upon the presidents by the system introduced by Mr. Savage. With these observations, I move this amendment."

The Hon'ble Sir Henry Wheeler said :—

"Can the Hon'ble Member give the reference to the paragraph in the District Administration Committee's report which endorses his proposal?"

The Hon'ble Babu Akhil Chandra Datta said :—

"I shall require one or two minutes to do so."

The Hon'ble Mr. Kerr said :—

"This amendment, my Lord, as the Hon'ble Member has observed, is an important one. The Hon'ble Member has given us as his authority, for a provision of this nature, the Police Commission's Report and the District Administration Committee's Report. I think there must be some misapprehension as regards the Police Commission's Report. What the Police Commission said was that we should utilise and develop the village agency for reporting crime and leave the people as far as possible to dispose of petty matters for themselves. These two things we have provided for in this Bill. Clause 26 (now clause 23) of the Bill gives the chaukidar power to report crime, and Part II of the Bill gives power to the union bench to dispose of petty offences. That, I think, is as far as the Police Commission ever meant to go, and as far as I know, there is nothing in the report of the District Administration Committee to indicate that they proposed to go further. What the Hon'ble Member proposes to do is to go a very long way further and to turn presidents of union boards into police-officers. He proposes to give the president power to arrest criminals or suspicious persons or persons without any ostensible means of subsistence, or persons who cannot give a satisfactory account of themselves and so on, and not only this, but the president is to have the power of investigating a long list of offences including riots, grievous hurt, unlawful restraint, theft, mischief, criminal trespass and burglary. It is further proposed that in exercise of his power of sending up accused persons for trial, the president shall act only with the concurrence in writing of two other members of the union board to be elected annually for the purpose by members of the union board. I would ask the Council to consider seriously what the practical effect of these two proposals is going to be. In the first place, do we want to invest the presidents of union boards with these extensive police functions?"

"We are giving them new functions and heavier responsibilities in the matter of providing for sanitation, public health and the well-being of the villages. We are giving them power to try cases as amateur magistrates and as amateur civil courts. For all this, we have a precedent in the rural parts

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of England and Scotland, where for many generations, country gentlemen have exercised functions of this kind in an amateur sort of way to the general satisfaction of the community among which they live. We believe that, at any rate, in parts of Bengal, a similar experiment has a fair chance of success and we propose to try it here. I do not think however that anybody, except the Hon'ble Member, has ever proposed to go so far as he does in the matter of vesting the members of village committees with the powers of the regular police, and I think it would be very risky to do so at a time when we are enlarging their functions in other and as we consider more suitable directions. I, therefore, object to the proposal contained in this amendment on principle, and I object still more to it as a matter of practical working. The first thing to notice is that this clause 37B gives the president concurrent jurisdiction with the officer in charge of a police-station to investigate the offences which I have mentioned. Now it is an axiom in all police work that it is a fatal mistake to have dual-investigating authorities going into a case at the same time. If you have two men investigating a case, they will start different theories and different methods of investigation and both of them will make a thorough mess of it, not to speak of the worry which would be caused to the parties and witnesses by having to attend on two separate investigating authorities. This difficulty arises in every civilised country at present as between the local police and what we call here the Central Criminal Investigation Department. The local police start on the investigation of a case, and then a Criminal Investigation Department man comes down from headquarters and drops in with a new line of investigation and some times spoils the whole thing. That sort of difficulty can be obviated by careful arrangements when both the investigating authorities are under police discipline and subject to the same authority, but the Hon'ble Member proposes to give investigating powers to a non-official agency subject to no discipline or authority whatever. That is the first practical objection to the Hon'ble Member's scheme.

Now suppose the president has got over these difficulties and has managed to catch his thief and has decided to send him up for trial. Do you suppose that his troubles are over then? Under the present amendment, as it stands, he has then got to go and get hold of two of his colleagues on the board, to show them all the papers of the case and to get their concurrence before he can send the accused up for trial before a magistrate. These two members would want to send for all the witnesses in the case and to see all the papers relating to it, and would thus cause a great deal of worry and trouble to all concerned. besides, the further risk of the case breaking down at that stage. Let us now make a further assumption and suppose that these difficulties also have been got over and the case is actually sent up for trial. We all know that the line frequently taken by the defence in court is to get hold of the first information and to cross-examine the investigating police-officer and anybody who had anything to do with the investigation of the case and to try to make them contradict themselves. Then the defence counsel argues that the case is false, because the police-officers could not tell a consistent story. If this amendment was carried, the defence would be able to cross-examine the president and the two members of the boards besides the police-officer, who had assisted in the investigation, or who might have been carrying out a separate line of investigation of his own. There is every prospect that the case would break down, without the merits having been gone into at all. This is not an exaggerated account of the manner in which this proposal would work. The only person who would benefit would be the thief or the burglar. The chances are that he would never be sent up for trial at all, and if he was sent up, he would almost certainly be acquitted. I submit, therefore, my Lord, that the proposal would be quite unworkable in practice, and that the Council would not be well-advised to accept this amendment."

*The Bengal Village Self-Government Bill, 1919.**Babu Akhil Chandra Datta.***The Hon'ble Babu Akhil Chandra Datta** said :—

"My Lord, as regards the quotations that have been made, so far as the quotations from the Police Commission's Report are concerned, I have given the references, and have quoted the exact words. As regards the other report—I mean the report of the District Administration Committee—I find the following proposals made by them on page 110 of the report :—

'The functions of the union panchayats under the proposed circle scheme will include the following :—

Police Chaukidari,
Judicial.

Executive,
Local Self-Government.'

Now, my Lord, the functions of Judicial, Executive and Local Self-Government have been given to the presidents; the only question that has been made is in the case of police courts; that is the general principle that has been laid down. Later on it is said in this report—

'It is proposed that each member of the panchayat should be appointed headman under section 45 of the Criminal Procedure Code, not for the entire union but only for the particular ward which he represents. His functions will be those prescribed by the Village Chaukidari Act and by the rules in the Chaukidari Manual, except that, if a Secretary is appointed to receive and collect the tax, it will not be necessary for the panchayat to appoint one of their own number to be a collecting member.

In paragraphs 49 to 57 of their letter of the 7th August, 1911, the Eastern Bengal and Assam Board have dealt very fully with the question of the duties to be entrusted to the panchayats under the heads "Police and Crime" and "Village Police," and we agree generally with their proposals.'

Now, my Lord, what seems to me to be most remarkable is this: that although there was a Police Commission who enquired into the whole question, although they made their recommendations, although there were several resolutions on the subject issued by the Government and although the principle was recognised by the District Administration Committee, it is very remarkable that even the principle has not been accepted in the Bill. On the question of details I may be wrong—I may have asked for more powers than I should have asked and probably there may be differences in details—but the question arises—has this Bill recognised even the principle that has been laid down by the Police Commission that many police functions should be given to the president of the village? Their recommendations are very very strong and I have already placed them before the Council. They said that it is necessary not only from the people's point of view but also from the Government's point of view. These were the recommendations made in 1902-03, which were discussed again by the District Administration Committee, who proposed that police functions should be given to them. That report is the basis of the present Bill. Was it not proper that these recommendations should have been accepted? It has not been done. Of course we can argue on both sides—I can give my own reasons and the Hon'ble Mr. Kerr can give his reasons. But what appears to me is this: are we not more or less bound to accept the recommendations of the Police Commission on a matter like this? Of course there is no legal bar, but I should think that it is rather too late in the day to refute the principle laid down in the report of the Police Commission. If that principle had been recognised in the Bill there might at least have been some difference of opinion, but what cannot be explained is that here was an occasion on which the recommendations of the Police Commission should have been accepted; although an attempt has been made to raise the status of the chaukidar to that of a police officer on the ground that these powers were given in 1870.

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but we are now in 1919. That is reason for advance with regard to chaudkars, but what about the president. Of course, if these were the recommendations and not revolutionary proposals made by any untrained man without any knowledge of the subject or by any impatient idealist, then of course I would not have pressed them, but my recommendation is based on the verdict of the Police Commission and there is no reason why that report should be brushed aside like this absolutely. I must confess that I may possibly be wrong in the details I have given, but certainly the principle should have been recognised, and I think Government should consider as to whether the recommendations of the Police Commission should be given effect to or not."

The Hon'ble Sir Henry Wheeler said :—

"My Lord, I take strong exception, on the evidence which the hon'ble mover has laid before the Council, to the inference that he has drawn that his extraordinary proposal has the support of the District Administration Committee. I particularly requested him to give his references, and in answer he refers to the word 'Police' in paragraph 126. Apparently he would have us believe that the mention of the word 'Police' covers his proposal, although the Committee devoted pages and pages to explaining in detail what exactly they did mean, and it is incomprehensible that if they had contemplated anything like this inquiry by an elected authority, they would not have said so in specific language. The reference, I take it, in paragraph 126 is to the supervision over the police functions of chaudiars, and it is incredible, if I may say so, that the Committee could have contemplated so great a change in procedure as the amendment suggests without justifying it by detailed reasons. I can give the Hon'ble Member another reason which would almost have rendered it obligatory that they should have justified their action if they had wished to take up a position analogous to the amendment. I have referred previously to Mr. Savage's inquiries and to certain orders that were passed about the time of his investigations which did encourage reports of offences being taken to the president of the panchayat. Because it was found that those rules, which were only meant to cover the reporting of offences, encouraged the presidents to fancy themselves investigating officers, the system was discarded; and in the light of that fact I say again that it is incredible that the District Administration Committee should have recommended the revival of that system without even a word of explanation."

The motion was then put and lost.

AMENDMENTS Nos. 100 AND 101.

In the absence of the hon'ble mover, the following motions were deemed to be withdrawn :—

The Hon'ble Maulvi A. K. Fazl-ul-Haq to move that for clause 38 (now clause 37) the following be substituted, namely :—

- "38. (1) By the month of October in each year, the union board shall prepare a budget of expenses for the next financial year and submit the same to the district board by the end of the second week in November. The district board may call for any information or explanation regarding the expenditure which the union board proposes to incur and may make such modifications in the budget as they think fit :—

Provided that in the case of any difference of opinion with regard to any item of expenditure between the union board

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and the district board, an appeal shall lie at the instance of either board to the District Magistrate, whose orders shall be final.

(2) The district board shall then decide, by the end of January, how much of the expenses of the union board shall be met by contributions and grants from the district fund, and shall place such sums at the disposal of the union board at least one month before the beginning of the financial year.

(3) The balance of the expenses of the union board shall be met by contributions made by the Local Government."

If motion No. 68 be carried, also to move that sub-clause (a) of clause 38 (now clause 37) be omitted.

AMENDMENT No. 102.

The Hon'ble Babu Akhil Chandra Datta moved that after the words "owners or occupiers of buildings" in line 2 of clause 38 (now clause 37) the words "and on the owners of fisheries, carts, carriages, boats and steamers" be inserted.

He said :—

"My Lord, this is in regard to the difficult question of the financing of the union board. We all know that it is rather difficult to finance the union boards properly in view of the ambiguous programme of work that has been placed before the union boards. Therefore all attempts made to increase the resources of the union boards should be welcomed. Now, all that I propose is this that the owners of fisheries, carts, carriages, boats and steamers be included, because we all know that the owner or occupier of a building is liable to taxation and the owner of a fishery may be in a very much better position to make the payment. I do not know the reason why he should escape the taxation. Then we also know that there are people in the villages who do business in boats and so on, and they are precisely the people who are in a position to contribute to the union fund and who should not escape the taxation. In the villages even those people who are owners or occupiers of *kutcha* houses or sheds are liable to taxation and therefore it is only fair and proper that these people, who are owners of fisheries, carts, carriages, etc., and derive an income from all that should also contribute towards the union fund.

Now as regards carts and carriages I would draw the attention of the Council to the recommendation of the District Administration Committee on page 100 where they say—

'We think therefore that there is no need to widen the basis of taxation, and that the possession of a house or cutcherry should continue to be the criterion for the imposition of the tax. It might, however, be made clear that a house includes a building, boat or temporary structure in which business of any kind is transacted, and not merely a dwelling house, which is the construction liable to be put upon the section as it stands.'

The section here referred to is the section of the *Chaukidari Act*. In this connection I can refer to section 118(c) of the *Local Self Government Act, 1911* of 1885, where of course the words are tank, water-course and so on. I have advisedly omitted tanks and water-courses as they are not proper subjects for taxation; and so in their place I have proposed fishery because that is a source of income and that is the reason why I want to include fisheries.

With these words, my Lord, I propose that these words may be included."

*The Bengal Village Self-Government Bill, 1919.**Sir Henry Wheeler; Babu Akhil Chandra Datta.***The Hon'ble Sir Henry Wheeler said :—**

"My Lord, in framing the taxation proposals of the Bill, we adhered as closely as possible to the two precedents of the Chaukidari and Local Self-Government Acts. The people who are assessable under the Chaukidari Act, in accordance with section 14, are the owners or occupiers of houses in any village and any person who has within such a village a catchery for collecting rents; the people who are assessable under section 118-C. of the Local Self-Government Act are the owners of buildings, tanks, wells or water-courses, and the Council may remember that, at one time, tanks, wells and water-courses figured in the Bill. The first Select Committee, at the request of one Hon'ble Member, took out wells and the second Select Committee took out tanks and water-courses, after examination of the reasons for which they were put in section 118-C., which we thought were inadequate. That, therefore, left us with the owners and occupiers of buildings, who now stand in the clause, and I would deprecate the fresh departures which this amendment suggests. The scope of taxation, as it now stands, is clear. It covers the people who own or occupy buildings, and assesses them according to circumstances and property; that is to say, it adopts a personal basis of taxation for those who are the owners or occupiers of property in the village; but if we bring in these other suggestions advocated in the amendment, we get to rather different considerations.

With reference to fisheries, if, of course, the owner of a fishery, owns or occupies a building in the village, he will be assessable; if he does not, then he rather ranks with the absentee landlord; and fisheries like lands—I may remind the Council—are assessable to road-cess. It has been a subject of discussion whether the absentee landlord should pay the union rate; but we have not thought fit to render him liable to taxation, and if we do not render the absentee landlord liable, there is no particular point in rendering the absentee fishery owner liable; whereas, if he is not an absentee, he will come in as the owner or occupier of a building.

"When we come to carts, carriages, boats and steamers, and the owners thereof, we get back to the idea underlying certain forms of municipal taxation, namely, the idea of a conveyance tax—that the users of the roads and water-channels should pay for their upkeep from which they benefit. That is a different consideration from the basis of taxation in the Bill, which, as I have said, is in accordance with the two precedents which are the foundation of these proposals. As the Hon'ble Member has referred to the opinion of the District Administration Committee, I may point out that they wanted to assess the owners and occupiers of boats, and, in the circumstances of Eastern Bengal, there is something to be said in favour of the idea on which, I believe, Sir Nicholas Beatson-Bell was personally keen. We had some talk about it in Select Committee, but we thought that there were practical difficulties in the way, and we dropped it. The scheme of the Bill is simple, and I would deprecate complicating it further."

The Hon'ble Babu Akhil Chandra Datta said :—

"My Lord, I have nothing to add, but I wish to point out that this is at least one occasion on which in a question of local taxation by the people themselves the non-officials want to go more than the officials because the charge is always laid at our door that we the non-officials are always averse to taxation. On the merits of the amendment after what I have heard from the Hon'ble Sir Henry Wheeler, of course I also cannot speak with anything like confidence, and I feel that for the reasons which have been

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explained by the Hon'ble Sir Henry Wheeler, I am not in a position to say that they are not sound. So owing to this state of uncertainty I would not press this amendment."

The motion was then, by leave of the President, withdrawn.

AMENDMENT No. 103.

The Hon'ble Babu Kishori Mohan Chaudhuri said :—

"This amendment has become unnecessary, therefore I request permission to withdraw it."

The motion was then, by leave of the President, withdrawn. It was as follows :—

The Hon'ble Babu Kishori Mohan Chaudhuri to move that for the words "the sum" in line 1 of sub-clause (a) of clause 38 the words "half the sum" be substituted.

AMENDMENT No. 105.

The Hon'ble Rai Radha Charan Pal Bahadur moved that the words "if any" in line 2 of sub-clause (a) of clause 38 be omitted.

He said :—

"Clause 38 of the Bill prescribes the imposition of the rate, and the work of the union board as far as I can gather from this Bill will be carried out from the proceeds of that rate, called the union rate, which will be levied on the area, and the union rate will be calculated on the basis of the cost of the salaries and equipment of chaukidars and daffadars deducting the contribution, if any, made by the local Government and the estimated cost required for carrying out other works imposed on the board under this Act. My object in moving this amendment is that the words 'if any' may be deleted, that is to say, that the Government contribution should be assured to the board. I do not ask the Council to lay down any hard-and-fast rules. These words 'if any' make it an uncertain factor, but if these words are removed, they are certain to obtain some contribution. As far as I find the payment of salaries of chaukidars and daffadars and their equipment is made a first charge upon the revenues of the union boards under clause 47 (now clause 46), and these daffadars and chaukidars have to be employed by the union boards, not for the purpose of municipal work but for the purpose of ordinary administration. Under schedule 2 it will be seen that they have to do the work of regular police in the area where they will be employed. All cases of murder, dacoity, theft, house-breaking and all possible offences shall be taken cognizance of by this police staff. Strictly speaking it is not municipal work, but work which properly belongs to the State, and State-aid should, therefore be guaranteed, whatever that amount may be. My proposition is a very simple one : it does not fetter the hands of the Government to any definite sum, it would be quite at the discretion of the Government to contribute Re. 1 or Rs. 1,000. My amendment is framed with the object that the principle that contributions should be made by Government should be accepted, and it is left to the option of the Government what the amount of that contribution should be, whereas the imposition of the rate will be a statutory obligation on the part of the union. Assuming that a greater part of the rate is consumed by the payment of these chaukidars, and if no Government contribution is forthcoming, then works of other kinds in the union would suffer.

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There are various works to be taken up by the union board in connection with sanitation, drainage, etc., and offences under the Cattle Trespass Act and various other things, and therefore it will be seen that the union board will require a considerable sum of money to do their work. These unions will be established in areas where there are no municipalities, and they will have to do the work of the municipality and if the salaries of chaukidars, etc., were made the first charge upon their revenues, I think it is only fair and reasonable that they should get some Government contribution, and that there should not be any ambiguity about it. I am sure Government will contribute a sufficient sum of money, and when Government are really willing to do so, I think there should be no objection to having a provision in the Bill to this effect. It will reassure the public mind, and it would look very graceful."

The Hon'ble Sir Henry Wheeler said :—

"Sir, the suggestions underlying these amendments are similar to those which we argued yesterday, and I do not propose to repeat the arguments at length. The clause which the Hon'ble Member would have us amend deals solely with the salaries of chaukidars and daffadars and the cost of their equipment, and it says that the union boards shall raise the necessary funds, less the contribution, if any, made by Government. The Hon'ble Rai Bahadur desires to leave out the words 'if any', in order to make it obligatory on Government to make a contribution to the union board which would be used towards the cost of chaukidars and daffadars. May I first explain why we put in these words 'if any'. They were inserted in view of the practice, which is at present in force in one district of this province, under which, as an experimental measure, Government has contributed to the pay of daffadars. The idea of daffadars is that they should be a better class of men than the chaukidars—in fact, what Mr. Kerr has termed this morning, a sort of non-commissioned officer. The status of the daffadar is still to some extent experimental, and in order to see if we could get a better class of men by offering better pay, in one sub-division we offered to contribute a share of their pay in order to be able to give a higher pay than the panchayet could afford. In return for that contribution we asked the panchayet to let us have a much larger voice in the selection of the persons appointed. The panchayets agreed and that experiment is now in force. It is somewhat early to say whether it has proved itself a success or not, but it was largely with that experiment in mind that the original proposal of the Bill was framed which would have vested the appointment of the daffadar in the district magistrate. We dropped that proposal and are maintaining the present system, and to that extent there is the less reason for altering the present system by which the pay of the daffadars and chaukidars is ordinarily met from the village assessment. The case to which I have alluded was an exceptional case entirely. It was justified by special reasons, and it is a different proposition altogether to ask us to accept a change of wording which is going to establish the principle—a very far-reaching principle, although the Hon'ble Rai Bahadur calls it a very simple amendment—that Government is under an obligation to contribute to the pay of chaukidars. Yesterday the Hon'ble Babu Kishori Mohan Chaudhuri proposed a definite amendment that Government should contribute half of this cost, and I explained the reasons why we could not do so and why we could not accept so large a financial obligation. If we did, we should only have to raise the money from some other sources. The point has been considered before, and it was held that, all things considered, the assessment of the union rate was probably more acceptable to the people than anything else. The alternative of a land cess had been shown by experience to be highly unacceptable to the zemindars, while the consequences likely to ensue from

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such a change of principle, viz., the supercession of the village union by Government in the matter of the control of chaukidars, and the tendency to convert the chaukidar into a member of the police force, would be greatly resented in various quarters. For these reasons that amendment was eventually lost, and I maintain that the arguments apply equally to the present proposition, even though the Hon'ble Rai Bahadur says that he does not mind how much Government contributes so long as it accepts the principle that it should contribute. To that my answer would be that if we are obliged to contribute and if we contribute, say, an anna, we are reducing the Act to a farce. Obviously, if we concede the principle, we must contribute substantially, and probably, nothing short of a contribution of a half, which Babu Kisor Mohan Chauduri proposed, would be regarded as fair if we undertook the obligation. For these reasons I oppose the amendment."

The Hon'ble Rai Debender Chunder Ghose Bahadur said :—

"My Lord, I wish to say something on this matter. I must confess that I labour under the disadvantage of living in a town where there is no chaukidari system in vogue. But I feel that my hon'ble friend Rai Radha Charan Pal Bahadur, who is also a cityman, has said something which commends itself to me and that being so and having had the advantage of hearing the discussion which took place in Council yesterday as to the reason for the provision of making the chaukidar or the dafadar not much of a servant of the union board, I feel I have got to say something on the subject. The chaukidars and dafadars are police officers and therefore I venture to support the proposition put forward by the Hon'ble Mover that there should be something in the Bill which would lay down the principle that the State should contribute something to the fund out of which its expenditure is to be met. In private life we see that if a person serves you, you serve him too or pay him, and it is but right that Government should contribute something towards the expenditure for keeping men who will be joint servants of the Government and the union board. As my hon'ble friend has suggested the principle may be laid down in the Bill. Of course if the Government are to contribute an anna it could be a farce. But the actual proportion of contribution may be left to the good sense of the Government. If the words 'if any' are allowed to remain in the Bill there will always be the apprehension of Government saying that under the Act it is not obligatory on them to pay anything. And I do not think it is an improper request on the part of my hon'ble friend that these words should be left out."

The Hon'ble Rai Radha Charan Pal Bahadur said :—

"My Lord, I have tried to follow Sir Henry Wheeler, and as far as I understand him he will not accept the amendment because by doing so he would be accepting the principle of the Government contribution. I shall be content to leave it to the House to consider whether that principle has not been already accepted in the clause as it stands. The clause says that the union board shall impose yearly on the owners and occupiers of buildings a rate amounting to the sum required for their expenditure, less the contribution, if any, by Government. Now, my Lord, if it is not the intention of the Government to contribute anything why should these words be placed here to raise false hopes in the minds of the people. The very fact that these words appear in the clause shows that the Government do intend to contribute something. Hence, the principle of Government contribution is accepted. The union boards are enjoined to do various municipal works by various clauses, chiefly by clauses 28, 28A, 29 and 30 (now clauses 25, *et seq.*). They are required to maintain roads, see to the water-supply, improve the drainage and conservancy, and generally to do all works calculated to promote the health, convenience and safety of the public. The expenditure is to be met

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from the union fund. But if the salaries of chaukidars and dasadars are to be made the first charge on their income, and after meeting that charge the balance available is not sufficient to meet the charges for municipal work what are the union boards to do? How are they to carry on their municipal work? You may say that they may increase their rate. But so far as I remember the District Administration Committee themselves said that the imposition of local taxation would make self-government unpopular in these rural areas. I, therefore, suggest that Government should contribute substantially if they wish to make self-government successful in this country. The principle, as I have said, is accepted in the clause. I want to make it obligatory but at the same time I do not want to lay down that Government should contribute a certain percentage. They may contribute one anna or one thousand rupees. Of course I know it would be ridiculous to pay one anna, and I am sure Government will contribute a substantial sum according to the requirements of the union board. All I want is to make it obligatory on the part of the Government to pay something to these self-governing local bodies which will help them in making self-government successful at its initial stage."

A division was taken with the following result :—

<i>Ayes—18.</i>		<i>Noes—27.</i>	
The Hon'ble	Sir Nilratan Sarkar, Kt.	The Hon'ble	Sir Henry Wheeler, K.C.I.E., C.S.I.
" "	Mr. Arun Chandra Singha.	" "	Mr. J. G. Cumming, C.S.I., C.I.E.
" "	Rai Debender Chunder Ghose Bahadur.	" "	Sir Bijay Chand Mahatab, K.C.S.I., K.C.I.E., I.O.M., Maharajahdiraja Bahadur of Burdwan.
" "	Rai Radha Charan Pal Bahadur.	" "	Mr. J. H. Kerr, C.S.I., C.I.E.
" "	Khan Sahib Aman Ali.	" "	Mr. C. J. Stevenson-Moore, C.V.O.
" "	Babu Bhambendra Chandra Ray.	" "	Mr. F. G. French, C.S.I.
" "	Rai Sri Nath Ray Bahadur.	" "	Mr. J. Donald, C.I.E.
" "	Babu Akhil Chandra Datta.	" "	Mr. L. S. S. O'Malley, C.I.E.
" "	Rai Mahendra Chandra Mitra Bahadur.	" "	Mr. H. P. Duval.
" "	Babu Mahendra Nath Ray, C.I.E.	" "	Mr. M. C. McAlpin.
" "	Babu Kishori Mohan Chaudhuri.	" "	Mr. F. A. A. Cowley.
" "	Babu Ambika Charan Mazumdar.	" "	Colonel J. K. Close, M.D., I.M.S.
		" "	Mr. W. C. Wordsworth.
		" "	Mr. C. F. Payne.
		" "	Mr. S. G. Hart.
		" "	Khan Bahadur Maulvi Aminul Islam.
		" "	Sir Rajendra Nath Mookerjee, K.C.I.E.
		" "	Mr. R. V. Mansell, O.B.E.
		" "	Mr. W. H. H. Arden-Wood, C.I.E.
		" "	Mr. Aminur Rahman.
		" "	Raja Hrishikesh Laha, C.I.E.
		" "	Mr. L. V. N. Meares.
		" "	Mr. Provash Chunder Mitter, C.I.E.
		" "	Kumar Shib Shekharswar Ray.
		" "	Mr. W. H. Phelps.
		" "	Mr. G. A. Bayley.
		" "	Maulvi Abul Kasem.

The following members were absent :—

The Hon'ble	the Nawab Bahadur of Murshidabad.
" "	Babu Siv Narayan Mukharji.
" "	Babu Brojendra Kishore Ray Chaudhuri.
" "	Sir Deba Prasad Sarbadhikari, Kt., C.I.E.
" "	Mr. F. W. Carter, C.I.E., C.B.E.
" "	Mr. W. E. Crum, O.B.E.
" "	Mr. H. R. A. Irwin, C.I.E.
" "	Dr. Abdulla-al-Mamon Suhrawardy.
" "	Mr. M. Ashraf Ali Khan Chaudhuri.
" "	Maulvi A. K. Fazl-ul-Haq.
" "	Mr. Altaf Ali.
" "	Babu Surendra Nath Ray.
" "	Mr. K. B. Dutt.

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The Ayes being 12 and the Noes 27, the motion was lost.

AMENDMENT No. 104.

An identical motion, No. 104, standing in the name of the Hon'ble Babu Surendra Nath Ray was deemed to be withdrawn.

AMENDMENTS Nos. 106, 107 and 108.

The following motion was, by leave of the President, withdrawn :—

The Hon'ble Babu Kishori Mohan Chandhuri to move that the words, "if any, made by the Local Government in this behalf" in lines 2 and 3 of sub-clause (a) of clause 38 (now clause 37) be omitted.

The Hon'ble Babu Akhil Chandra Datta said :—

"My Lord, I think there is something inappropriate in the arrangement as I find that I cannot move No. 107 without having a decision of the Council on No. 108 and that again I cannot move without a decision on No. 133. But I would like to solve the whole difficulty in this way. No. 133 refers to a compulsory contribution by Government and that point having been just now decided in Council it is no good moving that amendment now. Strictly speaking, I should think that it is out of order, and if I cannot move No. 133 I cannot move No. 108 either and necessarily No. 107 also falls to the ground. That being the real position, my Lord, I think the proper order is that Your Excellency will rule No. 133 as out of order, then all these will fall to the ground.

The Hon'ble Sir Henry Wheeler said :—

"Sir, in the first place it is correct that Nos. 107 and 108 must be read as one; and it is also correct that No. 133 would make it obligatory on Government to make a contribution of a third of the total expenditure of the union board. Therefore, I think, the Hon'ble Member is correct that No. 133 is covered by the decision of the Council."

The President said :—

"The Hon'ble Member is referring to item 133, i.e., the proposed new clause 46A. Is that so?"

The Hon'ble Babu Akhil Chandra Datta said :—

"Yes, my Lord."

The President said :—

"That is certainly out of order owing to the decision already come to by the Council. That being so, does the Hon'ble Member propose to withdraw Nos. 107 and 108?"

The Hon'ble Babu Akhil Chandra Datta said :—

"Yes, my Lord."

The motions were then, by leave of the President, withdrawn.

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They were as follows :—

The Hon'ble Babu Akhil Chandra Datta to move that the words "after deduction of the contribution, if any, made by the Local Government in this behalf" in lines 1, 2 and 3 of sub-clause (a) of clause 38 (now clause 37) be omitted.

Also to move that after the words "from defaulters" in the last line of clause 38 (now clause 37) the following be added, namely :—

"after deduction of the contribution made by the district board under section 46 and by the Local Government under section 46A."

AMENDMENT No. 109.

The Hon'ble Babu Akhil Chandra Datta moved that after clause 38 (now clause 37) the following be added, namely :—

"Provided that the owners of the buildings which remain unoccupied throughout the year shall be assessed at half of the amount which they would otherwise have been liable to pay."

He said :—

"My Lord, what I really intended was this: there are many cases in which the people live in the town although they have got a homestead in the village, and that they do not come to the village except for, say, 12 days in the year during the Puja vacation. A very large number of people fall under this category. I think it would be a great hardship upon them if they are to pay the tax as if they are living in the villages all the 12 months in the year, and at the same time in the interest of the union board they cannot escape the taxation altogether. Therefore I propose that their liability should be to the extent of 8 annas."

The Hon'ble Mr. O'Malley said :—

"My Lord, this amendment follows to some extent the procedure of the Bengal Municipal Act. Section 95 of that Act provides that where a tax on persons is levied the assessment on a holding which becomes vacant in the course of the year shall cease to have effect from the first day of the quarter after that in which it became vacant. Section 110, which applies in cases where there is a rate on holdings, prescribes a different system. That section provides that if a building is vacant for 60 consecutive days or more in the year, half the rate shall be remitted or refunded as the case may be, in proportion to the number of days unoccupied; but the owner must give notice of the vacancy and apply for a refund within six months of his notice. Both these sections are different from the present amendment. The former provides for the assessment ceasing in the next quarter, the latter for a proportionate remission or refund of the rate on holdings. We have not got, however, a rate on holdings in this Bill. The rate is a personal tax to be imposed on owners and occupiers of buildings according to circumstances and property just as the personal tax is in the Municipal Act. Moreover, the assessment is to be made in the beginning of the year, and the amendment proposed fails to meet that difficulty. It will be always open to an owner who considers that he is hardly treated to apply for a revision of the assessment under clause 40 (now clause 39). That clause sufficiently provides for the case of unoccupied buildings as the union board should be trusted to take into account the fact that a building is unoccupied and that the owner may lose rent in consequence. It is unnecessary to have an amendment like that proposed, which would only introduce an undesirable complication in procedure; and on this account I must oppose the amendment."

The motion was then put and lost.

*The Bengal Village Self-Government Bill, 1919.**Babu Akhil Chandra Datta; Sir Henry Wheeler; Rai M. C. Mitra Bahadur.***AMENDMENT No. 110.**

The Hon'ble Babu Akhil Chandra Datta moved that for the words "not less than two-thirds" in line 5 of sub-clause (b) of clause 38 (now clause 37) the words "a majority" be substituted.

He said :—

"My Lord, I must admit that this is a point on which there will be a large difference of opinion. It is only a question of expediency. The view that some people take is this: if the majority be a two-thirds majority, in that case it will be very difficult practically to pass a resolution at the meeting of the union board about taxation, and it cannot be said that this is an apprehension which is not founded on facts. If so, then this being a question of local taxation and in the absence of any statutory local contribution by the Government and in view of the limited resources of the District Board and if it is difficult to pass any resolution about taxation at a meeting, then the whole Act will be a dead-letter and inoperative. That is a prospect of things which we cannot contemplate with anything like satisfaction. Therefore, my Lord, I proposed that instead of two-thirds majority it should be a bare majority. Of course, as I have said, there is a difference of opinion, as it can be said by the other side that the matter is of such supreme importance that the resolution should not be passed light-heartedly and unless two-thirds of the members are present that very important step should not be taken. There are two sides of the question, and taking both the sides into consideration I do think that in the interest of the successful operation of this Act for which we are all keen and anxious that steps should be taken which will make the taxation easier. It is from this point of view, my Lord, that I propose that two-thirds may be substituted by a bare majority."

The Hon'ble Sir Henry Wheeler said :—

"My Lord, as the Hon'ble Member has said, this amendment raises an arguable point. Under the scheme of the Bill the obligation which is laid upon the union board is that it *must* pay for its chaukidars and dafadars and their equipment, but it *may* launch out into other municipal improvements if, by a majority of two-thirds of the total number of the members of the board at a specially convened meeting, it thinks fit to do so. We framed the provision in that way, requiring a majority of two-thirds, on the analogy of section 118C(1) of the Local Self-Government Act, which, in the case of a union committee, requires a two-thirds majority before the optional powers of taxation can be utilised. The Bill as framed, therefore, makes this resort to taxation over and above what is required by the union boards to pay the chaukidars, etc., a step only to be undertaken after careful consideration. They must call a special meeting and carry two-thirds of the villagers with them. The amendment suggests that it should only be necessary to carry a majority, which would render easier the imposition of further taxation: but in framing the Bill we thought that, as the working of these bodies was new, it might be well to adhere to the precedent of the Local Self-Government Act. But if the sense of the Council prefers to take a more liberal view I, personally, should have no objection."

The Hon'ble Rai Mahendra Chandra Mitra Bahadur said :—

"My Lord, I beg to oppose the amendment for various reasons. I need not amplify my reasons, but I submit that there is a difference of opinion between the Hon'ble Mover of the amendment and others. I think it will be a retrograde movement if the proposition put forward by the Hon'ble Member is accepted."

*The Bengal Village Self-Government Bill, 1919.**Babu Akhil Chandra Datta; The President; Maulvi Abul Kasem.***The Hon'ble Babu Akhil Chandra Datta said :—**

"My Lord, I have already said that this is a very controversial matter and things may be said on both sides. In view of the opposition made not only by Government but also by some of the non-official members I should not press it and with Your Excellency's permission I would withdraw it."

The motion was then, by leave of the President, withdrawn.

AMENDMENT No. 111.

The following motion stood in the name of the **Hon'ble Babu Akhil Chandra Datta :—**

That after clause 38 (now clause 37) the following be inserted, namely :—

"38A. One-fourth of the total amount raised by taxation under section 38 shall be raised from amongst the zamindars whether resident or not. In *Khas mahal* areas the Government is to be considered as zamindar.

38B. The income derived from pounds within the union shall be credited to the union fund."

He said :—

"My Lord, this is an amendment in which I know I shall be opposed by some of the non-official members, and knowing that there is not the least chance of the amendment being carried and also feeling that this is a very controversial matter and also knowing that the verdict of the District Administration Committee is against it; I think it will not serve any useful purpose to press it. I would, therefore, with Your Excellency's permission, withdraw it."

The motion was then, by leave of the President, withdrawn.

AMENDMENTS Nos. 112 to 115.

The President said :—

"The next four amendments deal with assessments of one person but they seek to vary them by different amounts. I am prepared to put each amendment separately, but it would not be in order to have four separate discussions on the four amendments. Hon'ble Members who take interest in this matter will kindly speak on the first motion."

AMENDMENT No. 112.

The Hon'ble Maulvi Abul Kasem moved that for the words "eighty-four" in the proviso to sub-clause (1) of clause 39 (now clause 38) the words "ninety-six" be substituted.

He said :—

"My Lord, on this point there are four amendments of which notice has been given. The Bill provides for Rs. 84 as the maximum amount of tax to

*The Bengal Village Self-Government Bill, 1919.**Kumar Shib Shekhareswar Ray.*

be realized from any one individual. I suggest Rs. 96, i.e., an advance of Re. 1 a month on the individual contribution to the fund. My hon'ble friend Kumar Shib Shekhareswar Ray, the zealous and the most ardent of the territorial magnates in this Council, would like to reduce it by one rupee reducing the maximum to Rs. 72. The Hon'ble Babu Ambika Charan Mazumdar, a distinguished leader of public opinion in this Presidency, would reduce it still more and make it Rs. 60, i.e., a monthly contribution of Rs. 5, and the Hon'ble Rai Radha Charan Pal Bahadur wants to make it Rs. 48. In these circumstances, I think the safest course would be to leave the matter as it is in the Bill and the maximum not reduced.

My Lord, my object in increasing the maximum amount of taxation is that according to the progress of the Bill the union board will have to make a budget of its expenses and make the assessment according to that budget, and if you fix the maximum taxation upon any particular individual at Rs. 84 the result will be that the balance will have to be realized from the poorer members of the community residing in that union. My object is that the burden should fall on the wealthier class who are well able to bear it and the poorer people should be exempted as much as possible. It may be said that there will be a tendency to over-assess the rich men of the union, but there I can assure this House and Your Excellency's Government that there will be absolutely no chance of over-assessment of the rich men. Unlike the municipal towns the rich men of union will be men of very great influence and no union board, whether it is composed of three representatives or more, will ever venture to over-assess the zemindars or the rich money-lenders. So the question is if you fix the maximum at only Rs. 7 a month the result will be that the poorer men in the union will have to pay more than they ought to pay. I know that according to the present Act Rs. 12 is the maximum as the chaukidari tax, but in answer to that I can say that was a very low maximum fixed in the Chaukidari Act. I cannot say why this was fixed at so low a figure. The result is that in chaukidari unions the poorer men have to pay proportionately much higher than the richer people. Rupees 8 a month as the maximum is not very high, and neither will it be the case that the maximum amount of taxation will be realized from each individual, but those who are sufficiently wealthy ought to pay according to their means. The Act as it stands, my Lord, says that the occupiers and owners of the building will have to pay these taxes and as the Hon'ble Sir Henry Wheeler has said only the owners and occupiers whether they do other business or not will be the only persons to be assessed. It is questionable whether children, adult sons, or nephews living with their parents will be considered occupiers of these buildings or not, because under the Municipal Act occupiers are those who have a legal right to occupation and those who live by suzerance such as widows or children. But in this case the only person who will pay the tax is the owner, that is head of the family, though his other adult sons may be rich and may be doing successful business and getting a large income. Therefore my suggestion is that Rs. 84 should be changed to Rs. 96. It is a surprise to me that some of those who are very keen on self-government have made an attempt to reduce it to Rs. 84 that has been fixed by the Bill. But I hope the better sense of the Council will prevail and they will make wealthier men pay more who are able to pay than the poorer men."

The Hon'ble Kumar Shib Shekhareswar Ray said :—

"My Lord, under the present Local Self-Government Act the maximum limit of taxation is Rs. 60, i.e., Rs. 5 a month. Again under the Chaukidari Act the maximum limit is Rs. 12 and that comes

*The Bengal Village Self-Government Bill, 1919.**Babu A. C. Mazumdar; Rai R. C. Pal Bahadur; Sir Henry Wheeler.*

up to Rs. 72 per annum. I do not therefore see any reason why the maximum limit of taxation is going to be raised. We all know that there is a provision of Rs. 60 as the maximum under the Local Self-Government Act. The taxation now raised from the union committees is about $\frac{1}{4}$ of the chaukidari tax and my hon'ble friend, Maulvi Abul Kasem, wants to make it Rs. 96. He has not given any definite grounds for raising the amount, while I have something definite to stand upon when I suggest that it should be reduced to Rs. 72."

The Hon'ble Babu Ambika Charan Mazumdar said :—

"My Lord, here we have to deal with taxation which will have to be borne by the rural population. I take the case of municipalities where the people are much better off, more enlightened and more educated and at the same time earning more than the village people. There the maximum is Rs. 84, and I ask this Council—are we going to fix the maximum for the village population at the same rate at which the urban population are taxed? My friend, the Hon'ble Maulvi Abul Kasem, has gone off at a tangent from us and he wants to go higher up than Rs. 84, and I hope and trust that many people of the generous disposition of my friend will go to the villages and try to relieve their difficulties and pay for the conservancy of the villages. My Lord, taxes are going up in other directions and we must take into account the condition and the position of the people in the villages. It is said that there are rich people in the villages and they ought to pay more. But are we to forget that those rich people who have got a residence in the villages are the people who live in towns, carry on business there, and they pay taxation also with respect to their business in municipalities and other towns. Are we going to say that because they have got the fault of having some little money, they must be ground down by taxation to any amount for merely having a residence in the village. Sir, we have in this Bill provided that a man not merely residing but having a residence in the village will be a voter and will be liable to taxation. But the very same man actually works and earns money in a town where he has to pay municipal taxes and also license fees. I think therefore that it is a very bad policy and mistaken generosity just to say that these people ought to be ground down and the taxes ought to go higher up than Rs. 84. Although I have said that it should be Rs. 60, I am inclined to agree with the gentleman who will be called next after me and will move that it should be reduced to Rs. 48."

The Hon'ble Rai Radha Charan Pal Bahadur said :—

"My Lord, what struck me was this: that as under the Bengal Municipal Act the second clause has the maximum of Rs. 84, I thought that as a matter of corollary the taxation in these miniature municipal areas should be half that amount. I have no desire to give relief to the rich people—I do not know how many people there are in the outlying villages, and as far as my knowledge goes they are within the municipal areas. I think that this taxation will press very heavily on the poorer classes. I have nothing further to say on this matter."

The Hon'ble Sir Henry Wheeler said :—

"In the Bill as first introduced there was no maximum taxation limit at all, and to that extent it followed the recommendation of the District Administration Committee, but that Committee anticipated that there would be opposition to the omission, and when we were examining the Bill that anticipation was found to be realized. We discovered that various people advocated the retention of limits. The Select Committee thought that

*The Bengal Village Self-Government Bill, 1919.**Rai D. C. Ghose Bahadur; Maulvi Abul Kasem.*

it would be as well to give way to that opinion, and decided to insert a limit. Then the question arose what should be the limit, as all these limits must to some extent be somewhat arbitrary, and we based our figure on the following calculations. Under the Chaukidari Act the maximum limit is Rs. 12 a year; under the Local Self-Government Act of 1885 the maximum limit for a union committee is Rs. 60 a year, making a total of Rs. 72 a year. But for some time past the fact has been recognized that the 12-rupee limit under the Chaukidari Act is too low, and it was the recommendation of the District Administration Committee that it should be put at Rs. 24. So, substituting Rs. 24 for Rs. 12, and adding Rs. 60 to it, we come to the figure of Rs. 84, which also happened to be the limit of the Municipal Act, and that figure we have accordingly put in the Bill. In my opinion this figure is quite as good as any other, and preferable to those alternatives which have been suggested. Rupees 96 may be too high and Rs. 48 is certainly too low. As between Rs. 60 and Rs. 72 there is not much difference, but I have explained to the Council the calculations we made and why we took the figure Rs. 84, to which I would adhere. Moreover, if we are to be guided by the experience of chaukidari assessments in the past, and for the matter of that of union assessments also, the whole question of a maximum is rather of theoretical interest only as it is difficult to induce the average assessing authority to go up to anywhere near it."

The Hon'ble Rai Debender Chunder Ghose Bahadur said :—

"My Lord, I cannot support this amendment. The clause does not oblige the union boards to levy the maximum rate from any person residing within its area. That being so, I do not see why there should be a complaint about the maximum amount fixed in the Bill as being too high or as likely to be oppressive in its operation. Without going so far as fixing the maximum at Rs. 96 as proposed by the Hon'ble Maulvi Abul Kasem I think the maximum may remain as it is in the Bill. Considering that the purchasing power of the rupee has gone down considerably since the Bengal Municipal Act was passed, I think the union board might still have sufficient funds at its disposal to defray the cost of the works entrusted to them."

The Hon'ble Maulvi Abul Kasem said :—

"My Lord, I am sorry I have not been able to make myself understood by the Hon'ble Members on this side of the House. I have been told that the maximum fixed by the Municipal Act is Rs. 84, but I would draw attention to the fact that in municipalities there are certain rates of assessment and out of the money realized from these rates and taxes they make their budget allotments. But in the case of union boards it is quite otherwise. Here they have got some definite charges to meet, for instance, the salaries of chaukidars, etc., and they require a certain amount for that and then they proceed to levy the union rate on different members of the community. Therefore I thought it was necessary that the maximum should be Rs. 96. The Hon'ble Rai Radha Charan Pal Bahadur has said that there are not many rich men in villages. That is true, but if there are any I want them to be assessed at the maximum rate of Rs. 96. The Hon'ble Babu Ambika Charan Mazumdar has said that those who carry on their business in the union or those do not live within the union although they have got residential house there, should not be assessed too heavily. But I think that those persons should be made to contribute towards the improvement of the unions where they carry on their business or where their residential houses are situated. One of the main causes of the deterioration of our villages is that rich men like to congregate in town leaving the villages neglected. This Bill is intended to reinstate the villages to their former prosperous condition and those men who make their money in the villages or rich men having their residential

*The Bengal Village Self-Government Bill, 1919.**Kumar Shib Shekhareswar Ray; The President; Babu A. C. Datta.*

houses in the villages ought to make their contributions towards the improvements of the villages. The Hon'ble Kumar Shib Shekhareswar Ray has pointed out that taking the Chaukidari Act and the Local Self-Government Act together the maximum assessment comes up to 72. That is true, but we are not going upon precedents in this Bill. We intend by this Bill to improve the condition of the villages and not to let things remain as they are. My suggestion is that the maximum should be fixed at Rs. 96. But as the Hon'ble Member in Charge has not thought fit to accept it, I think there is no chance of its being accepted by the Council. Yet I would be failing in my duty as a representative of rural constituencies not to press this amendment, and I therefore press it to a vote."

The motion was about to be put when the Hon'ble Kumar Shib Shekhareswar Ray said :—

"My Lord, we might take the amendments backwards."

The President said :—

"I do not quite understand what the Hon'ble Member means."

The Hon'ble Kumar Shib Shekhareswar Ray said :—

"We might take the last amendment first and so on."

The President said :—

"It does not make any difference. Therefore I propose to take them in the order in which they appear on the agenda paper."

Motions Nos. 112, 113, 114 and 115 were then put one by one and lost.

Motions Nos. 113—115 were as follows :—

The Hon'ble Kumar Shib Shekhareswar Ray to move that for the words "eighty-four" in the proviso to sub-clause (1) of clause 39 (now clause 38) the words "seventy-two" be substituted.

The Hon'ble Babu Ambika Charan Mazumdar to move that for the words "eighty-four" in the proviso to sub-clause (1) of clause 39 (now clause 38) the word "sixty" be substituted.

The Hon'ble Rai Radha Charan Pal Bahadur to move that for the words "eighty-four" in the proviso to sub-clause (1) of clause 39 (now clause 38) the words "forty-eight" be substituted.

AMENDMENT NO. 116.

The Hon'ble Babu Akhil Chandra Datta moved that for the words "district magistrate" in the first line of clause 41 (now clause 40) the words "district board" be substituted.

He said :—

"My Lord, the corresponding section in the Chaukidari Act is section 20. That section gives power to the District Magistrate to revise the assessment of the chaukidari union. But the union board stands on quite a different footing. The chaukidari functions of the union board are certainly not as

*The Bengal Village Self-Government Bill, 1919.**Sir Henry Wheeler ; Babu A. C. Datta.*

important as its judicial, executive or municipal functions, and so necessarily the chaukidari assessment will be much smaller than the other assessments. And, therefore, it is only proper that the power of revising this assessment should be entrusted to the District Board instead of the District Magistrate."

The Hon'ble Sir Henry Wheeler said :—

"My Lord, this is another of a series of amendments by which the Hon'ble Babu Akhil Chandra Datta has sought to replace the authority of the District Magistrate by that of the district board in matters appertaining to the supervision over the union boards, specially in connection with chaukidars. In view of the fact that his other amendments have been negatived, I scarcely think that he is well advised to press this point again. He admits that the clause follows a precedent of the Chaukidari Act, but apparently argues that we should depart from it now that the amalgamated chaukidari and municipal assessment of taxation may reach a higher figure. But I cannot see how that fact alters the fundamental conditions under which these revisions are conducted. These assessments, even if they are of a higher figure will, as a rule, be individually small. They will affect a large number of small men. We do not wish to encourage a regular revisionary system of appeal against assessment. We had better look to the conditions under which these revisions have been made in the past, and they are briefly these. Various officers of Governments as the Hon'ble Member knows,—the District Magistrate, the sub-divisional officers and others—go round the district visiting and talking to the villagers, who are thus able to bring to their attention cases in which they allege the assessments to be grossly unfair. The officer can then enquire into the matter on the spot and see that justice is done. It is a simple and expeditious procedure, and in the case of the old chaukidari assessments has often been followed by any of us who have had experience of district administration. We have all done this work repeatedly while we were on tour. It meets the requirements of the case, and it is a far better machinery than to ask a man assessed to a few annas a month to bring a revisionary appeal before an authority like the district board, apart from the fact that the latter is not in itself a suitable appellate authority in a matter of this kind."

The Hon'ble Babu Akhil Chandra Datta said :—

"It appears that in practice revision will be really made by circle officers. It is precisely that to which we object. If I were satisfied that the revision will be made by the District Magistrate himself, I for one would not object to it. What we are afraid of is the unnecessary interference by the circle officers. That makes my case all the stronger. My attention is drawn to the fact that the provision about the delegation of power to the circle officers in this respect has now been omitted. It is true, but at the same time the District Magistrate must necessarily depend on the report of the circle officers or some such other subordinate officers. Therefore the mere fact that the provision has been omitted does not improve the situation. In any case, as in most matters the union board will work under the supervision of the District and Local Boards it is only proper that in this particular matter also the revisionary power ought to lie with the District Board."

The motion was then put and lost.

AMENDMENT No. 117.

The following motion was, by leave of the President, withdrawn :—

If motion No. 116 be carried the Hon'ble Babu Akhil Chandra Datta to move that for the word "he" in line 5 of clause 41 (now clause 40) the word "they" be substituted.

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Babu K. M. Chaudhuri; Sir Henry Wheeler; The President; Rai M. C. Mitter Bahadur; Rai R. C. Pal Bahadur.

AMENDMENT No. 118.

The Hon'ble Babu Kishori Mohan Chaudhuri moved that for the words "may make" in line 1 of clause 46 (now clause 45) the words "shall contribute annually" be substituted.

He said :—

"My Lord, I think that the District Board being the recipient of the taxes raised within the locality and charged with the sanitation and other improvements contemplated by this Bill should be bound to contribute to the union fund, and instead of making it discretionary on the District Board I want to make it obligatory on them to contribute to the union board grants for carrying out the works entrusted to them. In these local areas the taxation will be very oppressive and it is but fair that the District Board should pay something to the union boards before they ask them to cover their deficit by special taxation specially as the District Board now get contributions from Government from road cess and public works cess. Therefore I propose that instead of leaving it to the discretion of the District Boards the grant should be made obligatory on them."

The Hon'ble Sir Henry Wheeler said :—

"Sir, there are certain other amendments of a like character."

The President said :—

"Yes, items 118 to 122 are identical so that Hon'ble Members who have given notice of these amendments can speak on the motion which is now before the Council if they wish to."

The Hon'ble Rai Mahendra Chandra Mitra Bahadur said :—

"My Lord, I have got a similar motion, and my submission is that it should be made obligatory upon the District Boards to contribute a certain amount. As far as the clause goes, the District Boards may or may not contribute anything. My submission, on the other hand, is that as the union boards will be in a state of infancy at the start, it is necessary that there should be an obligation on the part of the District Board to contribute a substantive amount."

The Hon'ble Rai Radha Charan Pal Bahadur said :—

"My Lord, I have also got a similar motion. Clause 46 (now clause 45) is a very wholesome provision and if the District Boards make a grant they will attach certain conditions to it as to how it should be spent. My object is that the District Boards have got under clauses 12, 15, 29 (now clause 27), 40 (now clause 39), 60 (now clause 55), 61 (now clause 56) and 63 (now clause 58) great powers over these union boards—power of supervision, power of removal of member and so forth, and if the union boards fail to do their work they may be superseded. In many other ways they have been made subordinate to District Boards. And if the union board thus becomes the foster child of a District Board I think it is but right that a foster father should do something towards the feeding of a foster child. Therefore, I think, that it should be laid down that some contribution should be made by the District Boards for carrying out the work imposed by them on the union board. This matter was also considered by the Decentralization Commission and they also recommended in paragraph 764 of their report that there should be liberal grant from

*The Bengal Village Self-Government Bill, 1919.**Babu Akhil Chandra Datta; Sir Henry Wheeler.*

the District Boards. Otherwise if everything is left to depend upon taxation, the interest of the people in their own affairs would become lax. I do not know but I think from the trend of the discussion on the Bill that this motion will be acceptable to the Council. I think it is reasonable to expect that there should be a contribution by the District Board to the union board and I have no objection to certain conditions being attached to such grants.

The Hon'ble Babu Akhil Chandra Datta said :—

"My Lord, there are three possible sources of finance so as far the union boards are concerned—first, the Government contribution, secondly, contributions by District Boards and thirdly, local taxation. As regards the Government contributions this Council has already decided that they will not be compulsory and even if the contribution by District Board is not made compulsory then in some cases what may happen is this : in any particular year—a very bad year—the Government may find it inconvenient to make any contributions. Then so far as the district boards are concerned it may so happen that they cannot also part with the money and may direct the union boards to complete their works with their own money. In that case union boards will have to rely entirely on local taxation and we know that local taxation cannot be raised to such an extent as to enable them to meet all the expenses of the various works entrusted to the union boards. We know that the cost for dafadars and chaukidars would amount to about 60 lakhs of rupees a year, this is the amount of road cess and public works cess taken together, so that the two cesses together are just barely enough to meet the cost of dafadars and chaukidars, and it would be remembered that the question of increasing the chaukidars' pay is a pressing one. So that with the road cess and public works cess the union board can get on for about three quarters of the year so far as the cost of chaukidars is concerned. Therefore unless some suitable provision is made for financing the union board the whole Act will be practically a dead letter. The public works cess is now made over by the Government to the District Boards and this lays an additional obligation upon the District Boards to make a grant to the union board. In fact the District Administration Committee made a positive recommendation that the public works cess should be made over to the district board upon a condition precedent to their making over the bulk of the money to the union boards which were proposed to be instituted at the time. Therefore the district boards cannot complain if that obligation be now made a statutory obligation. In fact if the district boards do not make any contribution as I have submitted the whole thing would be a dead letter. So it will not be wise to keep things in this unsatisfactory condition and now that the Government contribution will not be an obligatory one it is but right to have a statutory obligation on the part of the district boards. It ought not to be allowed to remain permissive."

The Hon'ble Sir Henry Wheeler said :—

"My Lord, we now have a batch of amendments which are very similar in type, and which involve one common issue of principle and varying issues of detail. Under the Bill, as it stands, we merely say that the district board may make grants-in-aid to the union boards. But the principle which is common to these amendments is that these grants-in-aid should be made obligatory upon the district boards. The details vary as to the amount of the contribution which the district board will have to make : some would leave it uncertain ; some would leave it to be laid down by rules ; some would merely say a suitable amount, and some would say a quarter, and others a half, of the road and public works cess collected within the area of the union. But we are now concerned with the question of principle—whether these grants should be made obligatory or not. It is perfectly true that the District

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Administration Committee contemplated that the public works cess would be used in order to give financial help to these union boards. But I think it is equally clear, on reading their report, that they did not contemplate laying down any rigid system. In paragraph 139, after discussing a scheme of possible financing of the union boards which Mr. Birley laid before them for the district of Dacca, they concluded that it was impossible to lay down any hard-and-fast rule and that the case of each district would have to be decided on its own merits. So, I take it, that they were opposed to adopting any rigid system, although they hoped that, in fact, district boards would come to the financial help of union boards, and as a matter of practice they do so.

Taking the last report of 1917-18, we find a long column showing the contributions received by union committees from district boards. Mr. O'Malley tells me that the reason of one or two blanks is that the union committee in those cases had not been constituted. In the aggregate, taking the year 1917-18, out of a total income of Rs. 2 lakhs and 36 thousand enjoyed by union committees, Rs. 1,13,000 was given by district boards. So, therefore, district boards do already contribute. But it may be said: 'Well, if they do that at present, what is your objection to making a mandatory provision?' My objection is one of principle. At one time Government used far more frequently than now to issue definite instructions to district boards and municipalities as to how they should spend their money. We used to say that such and such a percentage must be spent on primary education, such and such a percentage on water-supply and so on. When I went round as Secretary to the Decentralization Commission, and we enquired into the working of local self-government, it was the common complaint of Indian witnesses, if it was suggested in any way that local self-government had not so far quite fulfilled the expectations of its creators, that local self-government had never had a fair chance, because from the beginning Government had kept local bodies in leading strings and tied them down by mandatory orders as to what they should do here and what they should do there. These were constant complaints urged before us throughout India. Now, we come to a suggestion to go even beyond an executive order and to impose a statutory obligation. But the mandatory executive order has been very much discarded in recent years, and even when the public works cess was made over to district boards, the instructions issued to them were far more advisory than mandatory; and I maintain that it is preferable in a matter of this kind to trust to the good sense of the district board. We have initiated a policy of deofficialising the district board, and it is a policy which will be continued, and to which, I believe, an extension will be given very shortly. If we are going to deofficialise the district board, is it wise to saddle it at the same time with statutory directions as to how it should apply its funds in this matter of union boards? In the past, district boards have given funds to these committees—and I trust that in future they will continue to do so—and I submit it is preferable that we should rely on their discretion, instead of trying to hamper them by a legislative provision of the kind proposed in the amendment."

The Hon'ble Babu Mahendra Nath Ray said :—

"My Lord, these five amendments and ten which follow are intended, as has been pointed out, to impose statutory obligations on District Boards to make suitable contributions to the union boards for the costs of works of public utility which the union boards are empowered under the Bill to execute. It will be clear from the provisions embodied in Chapter III of the Bill that amongst the duties and powers of the union boards defined in this part, the union boards are empowered to employ an establishment for the collection of the union rates. They are empowered to carry out works of public utility in respect of sanitation, conservancy and drainage, for example, public drains, burning ghat and burial grounds. They are empowered to construct and maintain water-works including the construction of bridges and

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repairs of tanks, wells, streams and water-courses; they are empowered to construct, maintain and repair roads, bridges and water-courses and they are empowered to make provision for the lighting of roads and, lastly, they are empowered to establish primary schools and dispensaries. This is a pretty long catalogue, and one would naturally inquire whether adequate funds are proposed to be placed at the disposal of the union boards to enable them to carry out these multifarious works. We must remember that in connection with some of these works, for instance, public drains, burning ghats and burial grounds and other works of public utility in connection with sanitation, drainage and the construction and maintenance of water-courses the District Boards have got the power to direct the union boards to carry out these works. It is not that the union boards of their own motion can undertake these works, but in respect of the particular works to which I have just invited the attention of this Council the District Boards are given the power to direct the union boards to carry out these works. As to the funds placed at their disposal we see that clause 38 (now clause 37) of the Bill provides for the imposition of union rates under certain conditions of an amount sufficient to meet the cost of such works as I have just stated. The contribution by Local Government, where such contribution is forthcoming, is not intended, as far as I understand clause 38 (now clause 37) of the Bill, to cover any part of the cost of such works. It is intended for the part payment of the salary of chaukidars and dafadars and of the establishment employed for the purpose. So that with regard to this long array of works of public utility the union boards are left on their sole resources over and above a few items to which I shall presently refer to their income from the union rate. The clause which defines union fund certainly contemplates in addition to the union rates certain items of fees and costs which are recoverable under the Bill and which are placed at the disposal of the union boards. But clause 46 (now clause 45) which relates to any contribution that the District Board may make towards the cost of such works of public utility as has been pointed out, merely leaves the discretion with the District Boards if they choose to make a provision for the purpose. I am afraid, my Lord, that if no statutory obligation is imposed upon District Boards under this head, this long array of useful and important works of public utility will not be accomplished and the provisions made in this Bill will be more or less elusive. Sir Henry Wheeler has asked us to look at the past: there were union committees in existence for a number of years and out of the two lakhs of rupees which the union committees all over the province had spent, I should say a very moderate sum, the District Boards have contributed nearly one-half; the District Boards of this province altogether contributed nearly a lakh. We and those of us who have experience of the working of the District Boards and union committees in the mufassal all know what sort of work the union committees now do. They do very petty works—they clear jungles and tanks, but I am not aware of any union committee which has so far been established which has undertaken even a decent proportion of the ambitious scheme which this Bill sets forth. Therefore to refer to the past would not be of much importance. The past does not contain a record of what this Bill expects the union boards to do.

Then it has been said that the people in this country do not relish executive orders—orders proceeding from the executive to force the hands of the District Boards and other local authorities to spend money on certain purposes. That is perfectly true, and I fully agree that the less executive interference with the works of the District Boards the better. But it is one thing to deprecate executive interference with the works of the District Boards and the application of their funds and it is another thing to impose a statutory duty upon District Boards—a duty which must be imposed if the scheme of this present Bill is to be realised in practice at all. I was for a long time a Vice-Chairman of a District Board and I have been a member for over a quarter

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of a century. I cannot ignore our unwillingness to place at the disposal of these newly-fledged bodies, a decent sum of money over which we lose direct control. It is a weakness which the members of District Boards enjoy with other human beings and it is one of the ordinary frailties of human nature. If therefore it is proposed by this piece of legislation to confer upon union boards real powers of executing and carrying out works of public utility which will require considerable expenditure, I honestly believe that unless some such statutory obligation is imposed upon District Boards, all this scheme for the improvement of the village by the people of the village will prove elusive. It may be known to Sir Henry Wheeler that I am perhaps the only member of the Select Committee who had the misfortune to differ from the rest on this point and practically on this point alone and I therefore feel very strongly on this matter and I support the amendment which has been moved."

The Hon'ble Babu Ambika Charan Mazumdar said :—

"My Lord, the question has been discussed threadbare, so I shall confine myself only to one observation. The question is whether the District Board should be required by statute to contribute something towards the expenses of the union boards. Let us consider for a moment what is the source of income of the District Boards. Whence does their income come? It is the road cess and public works cess paid by the villagers which constitute the District Fund. Is it not proper for the District Board to make over a portion of the money which they receive from the villagers in order to help them in the improvement of the villages? The District Board has no other source of income—I mean the main source—and I think it is only just and proper that the District Board should contribute a certain sum in order to help the union boards in the matter of rural sanitation and rural improvements. It is their money which the District Board receives and they ought to contribute to them. The Hon'ble Sir Henry Wheeler has said that he opposes this on certain principles. The principle which he has enunciated I have not been able fully to grasp, but the only principle which I can find underlying this provision in the Bill is this : that the Government, the supreme head and authority, is unable to commit itself to any grant, and if it is unable to commit itself to a grant, I do not think it would be decent for Government to fixing an obligation upon the District Board ; that is the only principle which seems to me to be underlying this measure, but however we have passed that stage, namely, the obligation of Government. Here the District Board represents the district and here is a small body, namely, the union board which is going to be constituted under it, and my friend to the right has pointed out the onerous character of the duty imposed upon these petty boards, and if Government will grant nothing and if the District Board will grant nothing, then all that I can say is that this measure had better be dropped."

The Hon'ble Rai Radha Charan Pal Bahadur said :—

"My Lord, there is only one point on which I should like to make a few observations. The Hon'ble Sir Henry Wheeler has observed that the Government are gradually deofficialising the District Boards and that people resent interference by executive orders. It is not an executive order but it is a statutory obligation that we seek to impose on District Boards. Further, my Lord, what we want to bring out is this : that these union boards are made subordinate to the District Boards to carry out their mandate, according to the provisions of the Bill, and they will pass orders upon them and direct them to carry out their orders but won't give them any funds ; it will not be obligatory upon them to give any funds except those which they will receive from the residents of the union. Is this equitable and fair, my Lord? I appeal to the sense of justice of Government, as I know it is useless to expect this motion to be carried in this House, but I appeal to the Hon'ble Members here to consider whether it is fair to pass orders on the union boards

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directing them to do this and that and that if they do not do that they may be superseded and not to place any funds at their disposal."

The Hon'ble Mr. O'Malley said :—

"My Lord, I should like to refer to one or two statements which have been made by the Hon'ble Babu Mahendra Nath Ray in connection with referring to the contributions now made by District Boards to union committees. I think he has not perhaps caught one of the figures quoted by the Hon'ble Sir Henry Wheeler. The contribution made by the District Boards in 1917-18 was not under a lakh; the actual figure is Rs. 1,13,000. The expenditure by all the union committees during the year was Rs. 1,87,000 and I do not think that it will require any elaborate calculation to deduce the fact that the District Boards contributed a sum approaching two-thirds of the total expenditure during the year. That being so I submit that District Boards at present realise their obligations to the union committees.

Another point which I would like to mention is that the more the union committees develop, the more work they do, the greater are their activities and the less they are dependent on the District Boards. In this connection I may mention that the Hon'ble Babu Mahendra Nath Ray is somewhat under a misapprehension in thinking that all union committees carry out only petty village works. He is not perhaps aware that several union committees have been established at sub-divisional headquarters and in some cases have at least an income which corresponds to that of smaller municipalities. To quote a few instances which occur to me, there is the union committee of Rampur Hat in the district of Birbhum; there is the union committee of Contai, a sub-divisional headquarters in the district of Midnapur; there is the union committee of Bagerhat in the district of Khulna; there is the union committee of Manikganj in the district of Dacca and there is also another at Munshiganj in the same district. Some of them have quite a considerable income of about Rs. 7,000 a year.

Another matter to which I should like to invite the attention of the Council is that clause 46 (now clause 45) should be read with clause 35 (now clause 33) of the Bill, in order that its scope may be understood. Clause 35 (now clause 33) lays down in effect that when a District Board makes over to a union board the management of any institution or the execution of any work or duty, it must assign to the union board the money necessary for the purpose, and the union board must consent to the transfer. A District Board therefore cannot transfer any institution, work or duty under this clause to a union board unless it provides the necessary funds."

A division was then taken with the following result :—

*Ayes—15.**Noes—21.*

The Hon'ble Sir Rajendra Nath Mookerjee,	The Hon'ble Sir Henry Wheeler, K.C.I.E., C.S.I.
K.C.I.E.	" " J. G. Cumming, C.S.I., C.I.E.
" " Sir Nilratan Sarkar, Kt.	" " Sir Bijay Chand Mahtab, K.C.S.I.,
" " Mr. Aminur Rahaman.	K.C.I.E., I.O.M., Maharajadhiraja
" " Mr. Provash Chunder Mitter,	Bahadur of Burdwan.
C.I.E.	" " Mr. J. H. Kerr, C.S.I., C.I.E.
" " Kumar Shib Shekharaswar Ray.	" " Mr. C. J. Stevenson-Moore, C.V.D.
" " Rai Debender Chunder Ghose	" " Mr. F. C. French, C.S.I.
Bahadur.	" " Mr. J. Donald, C.I.E.
" " Rai Badha Charan Pal Bahadur.	" " Mr. L. S. S. O'Malley, C.I.E.
" " Maulvi Abul Kasem.	" " Mr. H. P. Duval.
" " Khan Sahib Aman Ali.	" " Mr. M. C. McAlpin.
" " Rai Sri Nath Ray Bahadur.	" " Mr. F. A. A. Cowley.
" " Babu Akhil Chandra Datta.	" " Colonel J. K. Close, M.D., I.M.S.
" " Rai Mahendra Chandra Mitra	" " Mr. W. C. Wordsworth.
Bahadur.	" " Mr. C. F. Payne.
" " Babu Mahendra Nath Ray, C.I.E.	" " Mr. S. G. Hart.
" " Babu Kishori Mohan Chaudhuri.	" " Kuan Bahadur Maulvi Aminul Islam.
" " Babu Ambika Charan Mazumdar.	" " Mr. R. V. Mansell, O.B.E.
	" " Mr. W. H. H. Arden-Wood, C.I.E.
	" " Mr. L. V. N. Meares.
	" " Mr. W. H. Phelps.
	" " Mr. G. A. Bayloy.

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The following members were absent :—

The Hon'ble the Nawab Bahadur of Murshidabad.	
" " Raja Hrishikesh Laha, C.I.E.	
" " Babu Siv Narayan Mukharji.	
" " Babu Brojendra Kishor Ray Chaudhuri.	
" " Mr. Arun Chandra Singha.	
" " Sir Deba Prasad Sarbadhikari, Kt., C.I.E.	
" " Mr. F. W. Carter, C.I.E., C.B.E.	
" " Mr. W. E. Crum, O.B.E.	
" " Mr. H. R. A. Irwin, C.I.E.	
" " Dr. Abdulla-al-Mamun Suhrawardy.	
" " Mr. M. Ashraf Ali Khan Chaudhuri.	
" " Maulvi A. K. Fazl-ul-Haq.	
" " Babu Bhabendra Chandra Ray.	
" " Mr. Altaf Ali.	
" " Babu Surendra Nath Ray.	
" " Mr. K. B. Dutt.	

The Ayes being 15 and the Noes 21, the motion was lost.

AMENDMENTS Nos. 119—127.

The following amendments were deemed to be withdrawn :—

The Hon'ble Maulvi A. K. Fazl-ul-Haq to move that for the word "may" in line 1 of clause 46 (now clause 45) the word "shall" be substituted.

The Hon'ble Rai Mahendra Chandra Mitra Bahadur to move that for the word "may" in line 1 of clause 46 (now clause 45) the word "shall" be substituted.

The Hon'ble Rai Radha Charan Pal Bahadur to move that for the word "may" in line 1 of clause 46 (now clause 45) the word "shall" be substituted.

The Hon'ble Babu Akhil Chandra Datta to move that for the word "may" in line 1 of clause 46 (now clause 45) the word "shall" be substituted.

The Hon'ble Babu Surendra Nath Ray to move that in clause 46 (now clause 45)—

- (a) for the words "may" in line 1 the word "shall" be substituted;
- (b) for the words "such grants-in-aid from the district fund, as they may think fit" in lines 2 and 3 the words "as they will be liable to pay under rules made under section 11" be substituted; and
- (c) the words "and may attach to such grants any conditions that may appear to the district board to be desirable" in lines 4, 5 and 6, be omitted.

The Hon'ble Babu Kishori Mohan Chaudhuri to move that for the words "such grants-in-aid from the district fund, as they may think fit" in lines 2 and 3 of clause 46 (now clause 45) the words "a sum not less than one-fourth of the road and public works cesses realized within the area under the jurisdiction of the union board" be substituted.

The Hon'ble Maulvi Abul Kasem to move that for the words "such grants-in-aid from the district fund, as they may think fit" in lines 2 and 3 of clause 46 (now clause 45) the words "a sum approximately one-fourth of the road and public works cesses realised within the area under the jurisdiction of the union board" be substituted.

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The Hon'ble Kumar Shib Shekhareswar Ray to move that the following be added to clause 46 (now clause 45), namely :—

"Provided that the grant-in-aid shall in no case be less than half the amount of road and public works cess payable by the cultivating rayats for lands comprised within the area of the union board ; and if there be any dispute between the district board and the union board regarding the sum that will approximately represent the amount of such cess, the matter shall be referred to the collector of the district, whose decision shall be final ; and a decision, once arrived at, regarding this amount shall remain in force till the next revaluation of the aforesaid area under the Cess Act, 1880."

The Hon'ble Babu Akhil Chandra Datta to move that after the words "think fit" in line 3 of clause 46 (now clause 45) the words "the amount of such grants being not less than half of the land cesses levied within the union" be inserted.

The President said :—

"The next item is amendment No. 128 which is not being moved. No. 129 is consequential on No. 118 which has fallen through, and No. 130 is also consequential. Therefore the next amendment which is in order is No. 131. I now call upon the Hon'ble Babu Ambika Charan Mazumdar to move No. 131."

Motions Nos. 128 to 130 which were deemed to be withdrawn were as follows :—

AMENDMENTS Nos. 128—130.

The Hon'ble Maulvi A. K. Fazl-ul-Haq to move that for clause 46 (now clause 45) the following be substituted, namely :—

"46. The district board shall make over to the union board the whole of the sums realized as road-cess from the villages in the union, and shall make such further grants from the district fund as may be necessary to enable the union board to carry out the purposes of this Act, and may attach to such grants any conditions that may appear to the district board to be desirable."

The Hon'ble Babu Kishori Mohan Chaudhuri to move that for the word "grants" in line 5 of clause 46 (now clause 45) the word "contribution" be substituted.

If motion No. 126 be carried, the Hon'ble Kumar Shib Shekhareswar Ray to move that after the proviso to clause 46 the following be added, namely :—

"Provided that the conditions referred to in this section may be attached to such amount only as are in excess of the minimum grant which the district board must make to the union board under this section."

AMENDMENT No. 131.

The Hon'ble Babu Ambika Charan Mazumdar moved that at the end of clause 46 (now clause 45) the following be added, namely :—

"and the union board may receive any donation or contribution from any private person for any work within the purposes of this Act."

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He said :—

" This refers to clause 46 (now clause 45) of the Bill. I introduced this amendment with a definite object. The union boards will be co-operative bodies, and not only their rights and privileges but also their income and expenditure should be provided by the statute. They cannot have any source of income which the law would not allow them to have, and it is just possible that the union boards will have some help from generous spirited individuals who may make grants either for excavating tanks or making drains or any other useful work for the benefit of the union population, and it is necessary to authorise these boards to receive these grants. I know reference will be made to clause 47 (now clause 46) which says that 'all sums realised under section 42 and all sums realised as fines, fees, etc., or cost under this Act, other than fines imposed under section 25 and all other receipts of the union bench or union court, shall be paid into a fund which shall be called the union fund.' I know that reference will be made to the expression 'other receipts of the union board.' Now, my Lord, that would evidently mean, in the view of a lawyer, other receipts derivable under the Act by the union board, and not any receipts outside the Act. It may be, Sir, that the union board may plant trees by the side of the road, they may sell the fruits and with the sale-proceeds of that as well as of the trees that may be cut down and sold, the union board may rear fish in a tank excavated by them and sell them. All these are the receipts which you can bring in under clause 47 (now clause 46). It would mean 'other receipts of the union board,' that is to say, receipts which might naturally come to the union board under the circumstances laid down by this Bill. It would not, in my humble opinion, cover any extraneous grant which the union board might receive from any generous spirited person. At all events, if you want to make out that these are also 'other receipts,' then it is necessary for us to provide in this clause or to lay down that it would be legitimate for the union board to receive grants from other persons, and I think in that view this addition which I have submitted is necessary. With these observations I commend this motion to the acceptance of the House."

The Hon'ble Sir Henry Wheeler said :—

" Sir, so far as I can make out, there is no question of principle involved in this amendment; it is really almost one of drafting. We examined the point once or twice after receipt of the Hon'ble Member's amendment, and we could not persuade ourselves that this change was really required. The Hon'ble Member seeks to make an addition to clause 46 (now clause 45) to the effect that a union board may receive a donation or contribution, but clause 46 (now clause 45) merely says that a district board may make a grant-in-aid. It deals with the maker of the grant not with the recipient. But the amendment of the Hon'ble Member swings round to another point of view entirely, from the maker of the grant to the receiver of the grant. The only reason for making this addition is the apprehension that a union board may be presented with generous donations from private citizens, and find itself unable to accept them—a result which would be most regrettable. But I cannot see that they could be in that position. The union board will be a body corporate, entitled to acquire property, and I am advised that acquisition covers acquisition by gift. If so when a generous donor comes along and presses Rs. 1,000 into their hands, there will be nothing to debar a union board from taking the money, and it is clearly contemplated in the Bill that they should do so. It will be seen that clause 47 (now clause 46) provides that 'other receipts' of the union board shall be paid into the union fund, and the second proviso refers specifically to sums made over to the union board for specific purposes, such as private donations towards the excavation of tanks, planting of trees, and

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works of that kind. Therefore the amendment seems to me to be practically a matter of drafting, and after re-examination of the point, we do not see that it is required."

The Hon'ble Babu Ambika Charan Mazumdar said :—

"My Lord, I am not convinced by what the Hon'ble Sir Henry Wheeler has said about the uncertainty which swings round clause 47 (now clause 46), as well as clause 19 (now clause 18)."

The Hon'ble Rai Debender Chunder Ghose Bahadur said :—

"Clause 19 (now clause 18) covers it."

The Hon'ble Babu Ambika Charan Mazumdar said :—

"No, it does not ; the uncertainty is not removed either by clause 19 (now clause 18), or by clause 47 (now clause 46). I have already said that 'other receipts of the union board' is an expression which would not ordinarily mean any grant or donation, and clause 19 (now clause 18) which says they may hold property, etc., is rather vague. Besides what harm is there in making it clear and explicit. This is what I do not understand, and that is a point upon which Sir Henry Wheeler has not enlightened us. If it is thought that it will go against the draftsmanship of the Bill, well, I think, any member who may have charge of a Bill may forego any idea of being criticised on the ground of draftsmanship. Here we want to make it clear and distinct, and there is legitimate scope for such criticism of such defects as I have placed before the Council, and in that case, what harm is there in adding the words 'that the union board shall be competent to receive any contribution to the fund'. Certainly we cannot lay down and say that any person may contribute to the funds. We can only legalise the acts of the union board ; here a man comes and says 'Here is Rs. 500;' well we ought to say it is perfectly legitimate for them to receive such grants, and I do not think that even clauses 19 and 47 (now clauses 18 and 46) cover such a grant. It would make the matter more clear as the expression 'other receipts of the union board' seem to me to be wide of the mark. It would not be covered by what clause 19 (now clause 18) says, as I have already said. Therefore I ask the Council to consider whether we ought to make the point clear, so that there may be no doubt about the authority of union board receiving grants and donations."

The President said :—

"I might perhaps make a suggestion here which might meet the views of the Hon'ble Member and at the same time get over the objections which have been raised by the Hon'ble Sir Henry Wheeler. I think Sir Henry Wheeler's objection that clause 46 (now clause 45) is not a suitable clause on which to draft a proposal of this kind, is a valid one. It seems to me that it would be more appropriate if a proposal of this kind was included in clause 47 (now clause 46). Clause 47 (now clause 46) reads: "All sums realised under section 42 and all sums realised as fines, fees or costs under this Act, other than fines imposed under section 25, and all other receipts of the union board, union bench or union court....." and here you might add the words "including any donation or contribution from a private person." I would suggest that if the Hon'ble Member has no objection to this proposal, it would come better as suggested by me in clause 47 (now clause 46)."

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“ I am quite willing to accept Your Excellency's suggestion.”

The President said :—

“ If the Hon'ble Member will withdraw the amendment here, he can propose it again under clause 47 (now clause 46).”

The motion was then, by leave of the President, withdrawn.

AMENDMENT No. 132.**The Hon'ble Mr. Provash Chunder Mitter** moved that at the end of clause 46 (now clause 45) the following be added, namely :—

“ Provided always that in the case of any union board which has imposed a rate under clause (b) of section 38 the district board shall make a suitable grant-in-aid.”

He said :—

“ My desire is that if a union board helps itself and imposes taxes on itself then this self-help may be rewarded by a statutory provision. I do not desire to go over the ground already discussed, but there is only one point which it is necessary for my purpose to discuss, and that is this. It has been said by Sir Henry Wheeler that there is no reason why we should mistrust the district board. I wish I could share in that optimism. About four years ago the income of the district board was raised by a grant of 29 lakhs of rupees under the public works cess which was made over to them. The whole of that sum, my Lord, was intended for improving the rural water-supply and for sanitary measures generally; at any rate the Government circular made it abundantly clear that that was the intention. But the district board instead of doing that chose to increase their closing balance and out of its total income of one crore of rupees—it had in one particular year a closing balance of 51 lakhs—and that in a year when the whole province was crying for pure drinking water. The next year it had a closing balance of 41 lakhs of rupees. In that year I had the privilege of bringing these facts to the notice of this Council, and subsequently at the instance of Government action was taken, more at the instance of Government and less, I am sorry to say, on the initiative of the district boards themselves, that this undesirable state of things has been remedied. At the same time, my Lord, I feel the force of the observations of Sir Henry Wheeler, that these local self-governing bodies should be left to work out their own salvation, if I may make use of such an expression. That is all the more reason why I want this statutory provision only in respect of those union boards which agree to tax themselves. If we make this statutory provision, the district boards cannot complain that the executive is interfering with them; it will be a statutory provision and the executive will have every right to see that the district boards carry out this provision. But, on the other hand, if we do not have such a statutory provision, there may be if they do not help even those union boards who have taxed themselves. One word more, and I have done. It has been said that in the past the district boards have helped the union committees liberally; I do not dispute that proposition, but at the present moment we have comparatively few union committees, scattered all over the province. Last year I put a question in the Council and I was told that if progress went on that rate, it would take 104 years to apportion out the whole of the province into union committees. With the few union committees that we have, it is quite possible for the district boards to help them generously, but we are legislating for the future. I look forward to the day and I hope that it is not very far distant, when the whole of Bengal will be

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parcelled out into a number of union boards, and in a district with an area of 4 to 5,000 square miles there will be a large number of union boards, and if there be a statutory provision of this nature, it will stimulate the union boards to tax themselves."

The Hon'ble Sir Henry Wheeler said :—

"My Lord, on a recent amendment I found myself in disagreement, I am sorry to say, with many of the non-official members of this Council, as to the degree to which it was wise to rely upon the good sense and discretion of the district boards in helping union boards financially, and the Hon'ble Mr. Mitter has just sought to adduce evidence justifying the doubt that is in him. But he will perhaps recognise that the instance to which he alluded had reference rather—may I say—to the bad old days, when the official hands lay heavily on district boards. I was looking forward to the happy time when the de-officialised district boards will attain to greater glories of common sense than they ever reached before, and I still think that my view of the previous amendment was justified in the best interests both of the district boards and of union boards. For instance, if we make it obligatory, every time a union board is created, for the district board to give it a grant, the district board, whose views are to be taken before the union board is created at all, might, after a certain point, be almost bound to oppose any suggestion for creating new bodies of this kind. However, I think we can differentiate between that amendment and this. In the first place, this amendment does not actually tie the discretion of the district board as to the amount of the grant, and one of my main grounds for objection to the previous amendment (although we did not come to that point) had reference to the subsequent amendment, by which, as a sequel to the principle of the obligatory grant, it was sought to commandeer anything up to half the road and public works cesses on this account. This amendment does not introduce a rigid system of that kind; it merely says a *suitable* grant, which will mean that the district board will have to use its discretion as to the amount. If it was determined to act thoroughly *mala fide*, it could, of course, give a purely nominal sum and yet keep within the four corners of the clause. That is a risk which must be run, but as I believe in a certain amount of common sense in district boards, I am willing to take it. The other feature of this amendment which differentiates it from that preceding it, and which presents some ground for regarding it in a different light, is the linking of the grant with the self-taxation of the union for the municipal duties which will not be obligatory upon it, but which it can take up at its option. We have recognised that there may be a certain amount of reluctance on the part of the union boards to tax themselves for these purposes, and we may willingly do anything reasonable to encourage them to do so. As a matter of fact, this form of encouragement is, as I understand, the policy at present adopted. Most district boards say to union committees 'If you tax yourselves and raise so much, we will add to it to such and such an extent.' Bearing these facts in mind, Sir, and also having in view the considerable volume of opinion which was expressed by non-official members in favour of a statutory recognition of the district board grant in some form, as also the wish of Government as far as possible to pass this Bill with the assent of us all (as it is merely directed towards an advance which we all welcome), I am prepared to accept the amendment which has been moved by the Hon'ble Mr. P. C. Mitter."

The Hon'ble Rai Radha Charan Pal Bahadur said :—

"I find, my Lord, that within a few minutes of opposing my amendment, Sir Henry Wheeler has changed his mind to a certain extent and he seems

*The Bengal Village Self-Government Bill, 1919.**The President.*

to have now come to the conclusion that it would be better not to oppose such a volume of non-official opinion in connection with this matter, and has taken the opportunity of accepting this amendment of the Hon'ble Mr. P. C. Mitter, but there is one point I want to draw attention to, and that is that in our amendments, at least in my own, there was no provision to the effect that half or one-fourth should be contributed by the district board, or anything of that kind. It was absolutely left to the discretion of the Government."

The motion was put and agreed to.

AMENDMENTS Nos. 133 and 134.

The President said :—

"No. 133 is no longer in order, and in view of the decision which the Council has just reached, I think 134 is no longer desirable."

The following motions were then, by leave of the President, withdrawn :—

New Clause 46A.

The Hon'ble Babu Akhil Chandra Datta to move that after clause 46 the following be inserted, namely :—

"46A. The Local Government shall make to the union board such grants-in-aid as they may think fit, the amount of such grant being not less than one-third of the total expenditure incurred by the union board in carrying out the purposes of this Act in the year preceding the year in which the grant is made, and may attach to such grants any conditions that may appear to the Local Government to be desirable."

The Hon'ble Kumar Shib Shekhareswar Ray to move that after clause 46 the following be inserted, namely :—

"46A. The Local Government may direct the district board to make to the union board such grants-in-aid from the district fund as may be thought necessary for the purpose referred to in section 46. and may attach to such grants any conditions that may appear to the Local Government to be desirable."

AMENDMENT No. 135.*Clause 47.*

The Hon'ble Mr. Provash Chunder Mitter moved that after the words "under section 25" in line 3 of sub-clause (1) of clause 47 (now clause 46) the following be inserted, namely :—

"all fees paid on account of processes of any court served through the union board."

He said :—

"After the amendment which has been accepted by the Council, I submit that this amendment is more or less consequential to it. It has been accepted that chaukidars shall serve processes and all fees paid on account of processes of any court served to the union board, and in that view I think this amendment may be accepted. However I leave it to the Government. I think it would be desirable to have these words."

*The Bengal Village Self-Government Bill, 1919.**Sir Henry Wheeler ; Mr. P. U. Mitter.*

The Hon'ble Sir Henry Wheeler said :—

"My Lord, I had not viewed the amendment in the light in which the Hon'ble Member has just explained it. We had interpreted it as a desire on his part to make over to the union boards all process fees that were realised by the courts in respects of the processes which might be served by these union boards."

The Hon'ble Mr. Provash Chunder Mitter said :—

"My Lord, in view of the observation made by the Hon'ble Sir Henry Wheeler, I think it right that I should explain what I have in view. What I have in view is that the chaukidars will have the power to serve process ; and it has already been explained by the Hon'ble Sir Henry Wheeler that it will depend upon the negotiations with the High Court. Now, supposing that the High Court allows the chaukidar to serve processes and that it may also be arranged in the course of these negotiations that the whole amount realised from process fees be paid to these union boards. I do not say that necessarily the whole amount should be paid to the union boards, which will employ these chaukidars, but that as the Civil Courts will also have their staff, it is just possible that an equitable arrangement may be made. It is from that point of view, I submit, that it is desirable to have these words included."

The Hon'ble Sir Henry Wheeler said :—

"My Lord, as I have said, we thought that the amendment desired to make over to the union boards all the process fees realised by the courts in respect of processes which might be served through the agency of the union boards, and in that sense we could not have accepted the amendment. The process fees realized by the courts belong to them, as they are levied in respect of various actions taken by the courts, and they do not belong to the serving agency through which the processes actually reach the hands of the recipients. Moreover, the financial interests involved are obviously so large that Government could not agree to do anything which might involve the handing over of the revenue derived from process fees to these union boards. However, I understand, that the Hon'ble Member regards the matter as largely one of accounts, and merely seeks to make a statutory provision that if any fees are paid to these union boards for executing processes served through them, the fees may be credited to the union fund. The system, which we have adopted in places where processes are served by chaukidars, is to pay the actual serving chaukidar at a rate of so much per process, which is, I believe, 2 annas per process, and that remuneration goes into the chaukidar's pocket in return for the extra labour involved in delivering the process. Probably, in any system which we might lay down, we should adhere to that procedure. I do not think that it would be right that the union board should be turned into a kind of process-serving machinery which would make a profit out of the labour of the chaukidar. The wages of the labourer ought to go to the actual worker, which, in this case, will be the chaukidar. As a matter of accounts I do not think there is any harm in accepting the amendment, if it is worded in the following way :—

'Any fees paid to the union board in respect of processes served through the board'

which, I think, will meet the wishes of the Hon'ble Member. In this form I am prepared to accept the amendment."

The Hon'ble Mr. Provash Chunder Mitter said :—

"My Lord, I accept the modification suggested by the Hon'ble Sir Henry Wheeler."

The motion was then put in the modified form and agreed to.

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Mr. P. C. Mitter ; Sir Henry Wheeler.*

The Hon'ble Rai Radha Charan Pal Bahadur said :—

"My Lord, may I inquire whether Your Excellency is going to adjourn the Council now as it is now half past six."

The President said :—

"I think we may make a little more progress and we might take advantage of the present cool spell of weather. We might adjourn when we come to clause 56.

I shall now call upon the Hon'ble Babu Ambika Charan Mazumdar to move that after the word 'court' in line 5 of clause 47 (I) the following be inserted :—

'including any subscription or contribution from any private person'."

The Hon'ble Babu Ambika Charan Mazumdar moved the following motion which was agreed to :—

"That after the word 'court' in line 5 of clause 47 (I) the following be inserted, viz :—

'including any subscription or contribution from a private person'."

AMENDMENT No. 136.

The Hon'ble Mr. Provash Ghunder Mitter moved that after clause 47 the following be inserted, namely :—

"47A. The union board shall keep, in accordance with rules prescribed under section 111, a separate account entitled 'Endowment and Contribution Fund,' in which all sums received by way of gift or by virtue of any trust created to further any of the objects of this Act shall be entered."

He said :—

"My Lord, my object is that a separate account will show these receipts. It will show how much donors have contributed in one separate account and it will also have the effect of keeping the account clear, because if any trust be created I suppose the union board will have to keep proper account of that trust. No doubt it will be quite possible for the union board to keep proper accounts under clause 47 (now clause 46), but it would, perhaps, be better if a separate account is kept of gifts and endowments."

The Hon'ble Sir Henry Wheeler said :—

"My Lord, I do not think that a specific clause is necessary to this effect, and it might even be misleading to provide definitely in the law for one individual register and not for others. In clause 111 (m) [now clause 101 (m)], we have taken power to make rules prescribing the method in which the accounts of the union fund should be kept. If it is desirable that a separate account should be kept for these endowments and contributions, it will be perfectly easy to prescribe it by rule."

*The Bengal Village Self-Government Bill, 1919.**Mr. P. C. Mitter ; Babu A. C. Datta ; Mr. Kerr.***The Hon'ble Mr. Provash Chunder Mitter** said :—

"My Lord, in view of what the Hon'ble Member has said, I beg to withdraw the amendment."

The motion was then, by leave of the President, withdrawn.

AMENDMENT No. 137.

The Hon'ble Babu Akhil Chandra Datta moved that clause 52 (now clause 47) and schedule III be omitted.

He said :—

"My Lord, in the course of the discussion of some of the previous amendments I have indicated my reasons objecting to the delegation of powers by the District Magistrate. I do not like to repeat these arguments at this late hour of the day and I place this amendment for Your Excellency's acceptance."

The Hon'ble Mr. Kerr said :—

"My Lord, the object of the Hon'ble Member is apparently to do away with all powers of delegation in this Bill and to make the District Magistrate exercise all the functions which the Bill purports to invest him with. The Hon'ble Member has mercifully refrained from giving any reasons for his proposal, but I think I had better explain as briefly as possible to the Council why it is absolutely necessary to retain some powers of delegation. We estimate that ultimately there will be on an average between 250 and 300 union boards in each district throughout the Presidency. There will be in each of the boards a force of about 10 or 12 chaukidars and dafadars : so that the District Magistrate will have to deal with the appointment, dismissal and discipline of a body of 2,000 to 3,000 men. It will be noticed that the delegations in schedule III are mainly confined to the questions relating to dafadars and chaukidars. The powers of appointment and dismissal of chaukidars and dafadars may be delegated to the Subdivisional Magistrate the Superintendent of Police or the circle officer. The power of fining dafadars and chaukidars under clause 25 may be delegated to the same authorities, but the power of requiring chaukidars to supply local information under section 26 and of calling for assessment papers and passing of orders thereon under clause 41 can be delegated only to the Subdivisional Magistrate. These are the main points of delegation. Under the present Act, it is open to the District Magistrate with the sanction of the Commissioner to delegate all his powers under the Act to any Magistrate of the 1st class or to any Magistrate in charge of a subdivision or to the District Superintendent of Police. Therefore, we have, in the present Bill, considerably curtailed the existing powers of District Magistrates in the matter of delegation. It cannot be said that the District Magistrate has been given a blank cheque in regard to this matter. We have carefully limited the powers which he may delegate and the persons to whom he may delegate. Having regard to the figures as to the chaukidari force in a district, I do not think that it can be said that the powers of delegation which we have provided are excessive or unreasonable. If the Hon'ble Member's amendment is accepted, the District Magistrate would have to do all the work himself and that would be absolutely impossible. The Hon'ble Member has not suggested any modification in the particular delegations which are provided for in the Bill as it

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stands, and it would be impossible to take away the power of delegation altogether. I therefore think that the Council will be well advised to reject this amendment."

The Hon'ble Babu Akhil Chandra Datta said :—

"My Lord, there is certainly some force in the argument advanced by the Hon'ble Mr. Kerr that the work will be stupendous for the Magistrate and he will not be able to cope with the work. That is certainly true, but at the same time on the other side, my real point is that I object to some of these powers being delegated to the Superintendent of Police or to the circle officer. If the delegation is to be made to the Subdivisional Magistrate as in items 4, 5, 6, 8 and 9 of the schedule, I have no complaint against. My point is that the words 'Superintendent of Police or circle officer, be omitted from items 4 and 5 of schedule III."

The Hon'ble Mr. Kerr said :—

"The Hon'ble Member is now speaking on amendments Nos. 215 and 216. The point does not arise on the present amendment."

The President said :—

"This point might more suitably be taken on item No. 215 in which the Hon'ble Member specifically raises that point."

The Hon'ble Babu Akhil Chandra Datta said :—

"My Lord, what I really meant to submit is that if the new suggestion is acceptable then I might see my way to withdraw amendment No. 137."

The President said :—

"I am afraid the Hon'ble Member will have to wait till we come to the schedule in order to be satisfied on that point."

The motion was then put and lost.

AMENDMENTS Nos. 138, 139.

The Hon'ble Babu Kishori Mohan Chaudhuri moved that for the words "District Magistrate," in the two places in which they occur in lines 3 and 4 of clause 54 (now clause 49), the words "Divisional Commissioner" be substituted.

He also moved that the proviso to clause 54 (now clause 49), be omitted.

He said :—

"My Lord, may I be permitted to move both the amendments 138 and 139 together because they refer to the same clause, namely, No. 54? The proviso to this clause contemplates that if the District Magistrate is a member of the municipal authority concerned, his functions under this clause shall be discharged by the Commissioner. My point is that the union board is under the control of the District Magistrate; so if a dispute arises between the municipal authority and the union board, the District Magistrate being the head of the union board and the controlling authority, he should not be the final judge. My proposal is that in that case the matter should be

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referred to the Divisional Commissioner, whose decision shall be final. It is unreasonable that in one capacity he being the head of the union board should be the final judge in the case of a dispute between a municipal authority and the union board, as the municipality may not be represented and thus may become a sufferer. That is all, my Lord, I have to say in this matter."

The Hon'ble Sir Henry Wheeler said :—

"My Lord, this amendment has reference to a comparatively unimportant clause of the Bill—a clause which we hope will seldom come into operation. This clause merely provides what is to happen if a dispute occurs between a municipality and a union board. Obviously that contingency may arise, even although it is likely to be rare: and the clause says that, in that event, the quarrel shall be decided by the District Magistrate as long as he is not a member of the municipality. It is modelled on section 136 of the Local Self-Government Act, which says that if a dispute arises between a municipality and a local authority, or authorities, within the same district, the matter shall be referred to the Magistrate of the district. That is an exact precedent. I understand, however, that the Hon'ble Member says that the connection of the District Magistrate with the union board will be such as to disqualify him for the post of arbitrator. In that I think the Hon'ble Member is mistaken. The immediate supervising authority over these union boards will be the local board and the district board: the issues involved are not likely to be serious, and the District Magistrate is not likely in any sense to be biased one way or the other in respect of them. It seems to me to be an unnecessary complication to insist on these petty trifles coming up before the Divisional Commissioner who has far more important duties to attend to."

The Hon'ble Babu Kishori Mohan Chaudhuri said :—

"My Lord, I beg to submit that the union boards will be practically under the direct supervision of the circle officers and the circle officers will be directly under the district board. In that case I am not convinced of the reasons for saying that it will be proper that the District Magistrate should be the final authority in a dispute like the one contemplated in this clause. If there is any precedent that should not be followed. District Boards in the majority of cases are also presided over by the District Magistrate: so I am not convinced of the reasons of the opposition and I leave the matter to Your Excellency's Council."

The motions were then put and lost.

AMENDMENT No. 140.

The Hon'ble Babu Akhil Chandra Datta moved that after clause 55A (now clause 50) the following be inserted, namely :—

"55 (41). All matters placed under the control and administration of the district board under the Bengal Local Self-Government Act of 1885 shall be wholly transferred to the control and administration of the local board with adequate funds for the purposes of such control and administration, and the function of the district board shall primarily be that of a controlling authority over the local and union boards."

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He said:—

"The Bengal Local Self-Government Act was passed on the 4th April, 1885. There were three classes of bodies brought into existence by the Act, viz., Union Committee, Local Board and District Board. The whole question of local self-government was discussed at length by the District Administration Committee after about 30 years' working of the Act. That Committee declared that both the Union Committees and the Local Boards have been great failures. Various reasons have been given for this failure. But I accept without reservation the conclusion of the District Administration Committee that one of the chief reasons is to be found in the changes made in the original Local Self-Government Bill of 1883. The terms of the Bill which was introduced into the Council in February 1883 is a most interesting and profitable study. Only two classes of Boards were originally proposed, viz., the Union Committee for the management of village affairs, and Local Boards for the general control of the Union Committees and for the management of works and institutions of more general importance. The Local Boards were to be entrusted with the powers and duties now exercised by District Boards, and were to be under the general control of a Central Board sitting in Calcutta. But the Secretary of State opposed the idea of a Central Board, and wanted to substitute it by a District Board so as to place each of the Local Government bodies completely under the eye and hand of the District Officer. The good and sagacious Lieutenant-Governor, Sir Rivers Thompson, unsuccessfully protested against this suggestion, as in his view the efficient and independent working of the Local Boards would be endangered by the establishment of District Committees, and he therefore insisted upon the Local Board being the largest unit of administration. The proposal of Sir Rivers Thompson was accepted by the Government of India. But most unfortunately for the cause of local self-government in this country the Secretary of State adhered to the scheme of District Committee and the result was the creation of the District Board as an administrative body. The Secretary of State had no objection to treating the District Committees as committees of control rather than committees of administration. But to our greatest misfortune further and worse changes were made and the District Board under the chairmanship of the District Officer became the unit of administration and not simply a committee of control, and the Local Boards were the agents of the District Boards with very restricted powers and without any financial independence, while union committees became merely optional appendages of the superior bodies. In fact they came to be the fifth wheel to the coach. Thus the changes made at the instance of the Secretary of State completely transformed the whole scheme for local self-government in Bengal originally elaborated with great care and wisdom by the framers of the Bill. It was certainly a mistake to make the District Board the administrative unit of local self-government, and to leave the smaller bodies dependant on its charity and with no clearly defined position in the general scheme. This, according to the District Administration Committee, was to begin local self-government at the wrong end, for the system ought to start from the bottom and work up, as was originally intended, rather than from the top and work down. The Decentralization Commission was also of opinion that the scant success of the efforts hitherto made to introduce a system of rural self-government is largely due to the fact that we have not built up from the bottom. Even as committees of control the areas of jurisdiction of the District Board is too large and experience has shown that they are composed largely of members who have neither local knowledge or interest in local works. It must be the common experience of many District Boards that members representing one subdivision are ignorant about the local condition of other subdivisions. How can you feel an interest in works of public utility unless you know the locality and the people and their wants and wishes? My own experience is that at present roads and khals and bridges and tanks and schools and dispensaries

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are now undertaken by a District Board piecemeal and at random without considering the wants of the entire district and without any adjustment of the conflicting claims of the different parts of the district. Nobody knows the whole district and nobody feels and takes any keen interest in the entire district. We sometimes have an unseemly contest between the representative of different subdivisions each trying to screw out as much money as he can for the improvement of his own subdivision. The most important part of the work of the District Board is done in the various committees, *e.g.*, the Education Committee, Public Works Committee, Medical Committee, and so on. For obvious reasons the members living in the interior of the district are unable to serve on those committees with anything like efficiency. Thus it often-times happens that those who have local knowledge do not work on those committees, and those who work on those committees have no local knowledge. Besides the number of members is very restricted, and many parts of the district go absolutely unrepresented. At present each District Board on the average has twenty members with an average population of 17 lakhs. Speaking roughly, therefore, each member represents a population of close upon one lakh. This, to say the least, is very meagre and poor representation. In Assam they have no District Board as in Bengal; they have all Local Boards, one for each subdivisions the status of a Local Board there being similar to that of a District Board here. Each member there represents about 20 thousand persons, *i.e.*, the representation there is five-time as much as we have got here. In Bengal the representation in municipalities is immeasurably better than in District Board areas, each Municipal Commissioner representing about 1,400 persons. Then again some members are too influential to be ousted by others. The result inevitably is an unequal and inequitable distribution of the district fund over the different parts of the district. A thorough and intimate knowledge on the part of the members of the entire area of their jurisdiction is the only remedy of this state of things. This intimate knowledge cannot be ensured without reduction of inordinately large charges. If partition of districts is necessary for bringing the executive officers of Government into closer touch with the people, then, my Lord, the partition of local self-government areas is much more necessary for bringing the members of the self-governing bodies into closer touch with those people whose affairs they are invited to manage. The question now arises how this can be accomplished. I venture to think, my Lord, the abolition of the District Boards and transference of all their powers and duties to the Local Boards will solve the whole problem. It is not a revolutionary proposal that I make. I have reviewed the history of the law of local self-government in Bengal only to show that that was precisely the original idea of those responsible statesmen and administrators to whom belongs the glory and pride of making an attempt to introduce local self-government. I do not plead for the acceptance of a new idea, new policy or new scheme. I only urge that the great blunder against which Sir Rivers Thompson fought unsuccessfully should now be rectified. I only plead that the scheme which was approved in 1883 by the Government of India should be adopted. I only say this that the institution which has now been given a trial for 34 years, and which, according to the District Administration Committee, has failed because its basis was unsound and unpractical—I only say, my Lord, that institution should now be practically abolished. While however holding this strong view, I cannot be insensible to the supreme importance of disturbing the existing system as little as possible. I cannot overlook this stupendous difficulties involved in the dislocation of the present structure. I have therefore proposed not the abolition of the District Board altogether, but only the transference of the administrative duties and powers of the District Boards to the Local Boards. In other words, I propose that the Local Boards should be the largest unit of administration so far as works and institutions of more general importance

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are concerned, and the District Board should be essentially a board of control—a board for controlling and supervising the Local Boards and Union Committees. This principle has already been accepted by Act III of 1885, section 101 of which gives power to the Local Government and the District Board to transfer all their powers to Local Boards. But the power is discretionary and has, as a matter of fact, never been exercised except recently in favour of the Asansol Local Board. This is a matter, my Lord, in which Bengal can imitate with advantage the system which now obtains in Assam. Whoever has seen the roads and bridges and other works executed and managed by the Assam Local Boards must admit their superiority to those of most districts of Bengal. The verdict of those who are competent to speak with authority on the subject is that the system of Local Boards in Madras has been an unqualified success, and a reference to the Madras Local Boards Act, V of 1884, and the Amending Act of 1900 shews what an important position has been assigned to the Local Boards established in that Presidency. It is these boards that really form the principal units of sanitary administration.

Allow me, my Lord, in conclusion to invite the attention of the Council to the historic resolution which the Government of India issued on the 18th May, 1882 on the subject of local self-government. The view of the Government of India, as then formulated, was that District Boards had failed to secure the attendance of members possessing local knowledge of outlying parts of the district, with the result that undue attention was paid to the area adjoining the district headquarters, or that the business fell into the hands of the Collector. The Government of India therefore modified the previous suggestion to constitute one committee for each district, and expressed a desire that the smallest administrative units—the subdivision—should ordinarily form the maximum area to be placed under a Local Board. It was laid down that 'the cardinal principle, which is essential to the success of self-government in any shape, is this, that the jurisdiction of the primary board must be so limited in area as to ensure both local knowledge and local interest on the part of each of the members.'

The recommendation of the Decentralization Commission may also be considered with profit in this connection. Paragraph 736 of their report runs as follows:—

'We are strongly in favour of the principle enunciated by Lord Ripon's Government in 1882 that Subdistrict Boards should form an essential part in the scheme of local self-government, that they should have adequate resources and a large measure of independence, and that their jurisdiction should be so limited in area as to ensure both local knowledge and interest on the part of the members, and be at the same time a unit well known to the people. We think that the admitted failure of Subdistrict Boards, as a whole, has been largely to due circumscription of their powers and resources. In Madras and Assam, where they have a freer scope, they appear to have achieved to some measure of success.'

The specific recommendation of the Commission formulated with great precision in paragraph 93, page 307 of their report substantially supports my recommendation.

My motion also receives unstinted support from Dr. Bentley, our Sanitary Commissioner, who, while discussing the Bill from a sanitary point of view, says "If the Circle Boards are not established, it is essential that Local Boards should be developed so as to form intermediate units of local self-government administration. District Boards have been woefully neglectful and inefficient, specially in respect of public health—and this is largely due to the excessive size of the areas they have to administer. The District Board should be the co-ordinating and controlling authority for the public health administration of the district, but the attempt to administer measures for the prevention of the disease over an area of several thousand square

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miles will prove expensive, wasteful and inefficient and it is absolutely essential that intermediate sanitary districts should be created if systematic work is to be attempted in rural areas with any hope of success.'

Conditions in England are no doubt very different to those in Bengal. But the English system also supports my motion.

In England the largest unit of administration is the county and on the average a County Council administers an area almost $2\frac{1}{2}$ times smaller than that under a District Board in Bengal. This would be the nearest approach to the average area of a Local Board in Bengal. County Councils, moreover, are not really responsible for the details of sanitary administration which is left in the hands of smaller bodies intermediate in size between County Councils on the one hand and Parish Councils on the other.

So, my Lord, reason, authority, precedents and experience—they are all in support of the motion which I hope Your Excellency's Government and the Council will accept."

The Hon'ble Mr. O'Malley said :—

"My Lord; the clause which the Hon'ble Mover wishes to add to the Bill is of a revolutionary character, and judged from the fact that only seven elected members are present, it does not appear to have been thought attractive by the other side of the House. Section 101 of the Local Self-Government Act provides that any particular matter which is under the control and administration of the District Board may be transferred either wholly or in part to a Local Board with adequate funds; for instance, all the roads or some of a subdivision may be transferred to a Local Board with an allotment sufficient for their construction and upkeep. This amendment, however, is quite of a different nature as it aims at transferring the whole work of a District Board to Local Boards. It contemplates a drastic change in the system of local self-government which has been in force for over 30 years. If it were accepted, the District Boards would be reduced to a shadow of themselves. The whole organization now existing would be swept away, District Engineers would have to be abolished and the control of roads, schools, dispensaries, public health, etc.,—in fact all the functions of the District Boards—left to the Local Boards. This is not a fair amendment to make in connection with the Village Self-Government Bill, the object of which is to create village authorities. It is nothing less than a sweeping amendment of the Local Self-Government Act cutting at the root of the system which the Act has established. Government cannot possibly consider such an amendment in connection with the Village Self-Government Bill, and on behalf of Government therefore I must give an uncompromising negative to the motion."

The Hon'ble Babu Akhil Chandra Datta said :—

"My Lord, this may not be acceptable to the Council—that is quite another matter. But it passes my comprehension how my amendment can be characterized as a revolutionary proposal. I have placed before the Council the whole history of the matter. I have shown how this was the original idea of the Self-Government Bill of 1883 and how it was accepted by the Government of India. This was also the idea of Sir Rivers Thompson. I have heard nothing said in reply to that portion of my speech. In fact I take my stand upon the history of the matter and I know it is impossible to give any answer to that. Quite apart from that, however, the principle that I am advocating has been expressly and in so many words accepted in section 101 of the Local Self-Government Act of 1885. And my amendment is almost a verbatim reproduction, with some slight alterations, of that section in the Act of 1885

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There is absolutely no difference between that section and my amendment, except that in the former it is optional to the Lieutenant-Governor, while in my amendment I have suggested that it 'shall be transferred.' That is all. So far as the principle is concerned it is accepted in the Act of 1885, and I cannot follow the Hon'ble Mr. O'Malley when he characterizes my proposal as revolutionary. My real point is this : I am not proposing to do away with the control of the District Board. All I want is that the District Board should be the controlling body and the Local Board should be the administrative body. There is nothing revolutionary in this. And I think in view of the results obtained in other provinces under this system it deserves a careful consideration by the members of this Council."

The motion was then put and lost.

AMENDMENT No. 141.

The Hon'ble Babu Akhil Chandra Datta moved that the words "except in matters relating to dafadars and chaukidars" in the last two lines of clause 55A (now clause 50) be omitted.

He said :—

"My Lord, the whole subject has been discussed several times, and I do not think any useful purpose will be served by any new observations on this point."

The Hon'ble Sir Henry Wheeler said :—

"My Lord, a little while ago I thought I had reached the last of these items which would place the dafadars and chaukidars under the subordination of Local Boards, but I had apparently missed this one. My objection to such a proposal is the same, namely, that Local Boards have no historical connection with dafadars and chaukidars, and that they are unsuitable authorities to be placed in a supervising position over them."

The motion was then put and lost.

AMENDMENT No. 142.

The Hon'ble Babu Akhil Chandra Datta moved that after clause 55A (now clause 50) the following be inserted, namely :—

"55B. (1) Every Union Board shall submit annually to the Local Board, on or before such date as the Local Board may appoint an estimate of the probable receipts and expenditure of the Union Board under each head of account for the ensuing year, and an account of its receipts and expenditure for the past year ; and shall submit any other reports which the District Board or Local Board may, from time to time, require.

(2) Every estimate submitted under this section shall be subject to the sanction of the Local Board, who may, before sanctioning any estimate, modify it as it may think fit.

55C. No union board shall incur expenses or undertake liabilities to any amount exceeding the limit imposed by the Local Board."

*The Bengal Village Self-Government Bill, 1919.**Sir Henry Wheeler; Babu A. C. Datta.*

He said :—

“ My Lord, in support of this amendment I have only to say this : that these provisions are already to be found in the Local Self-Government Act in respect of the union committees. It does occur to me that these provisions are wholesome and there is no reason why they should not be included in the present Bill.”

The Hon'ble Sir Henry Wheeler said :—

“ My Lord, it is true that these clauses are modelled on sections 105 and 106 of the Local Self-Government Act, and the Hon'ble Member would justify them as a simple prudent measure of accounts procedure. But, in fact, they go beyond that. In the first place, as regards accounts matters, we do not require a special clause. We shall have a rule-making power in respect to accounts, and in so far as it may be desirable to make Union Boards draw up estimates and budgets of the expenditure they seek to incur, we shall have power to direct them to do so. But the objection to inserting clauses of this kind in the Bill is not only that it is not necessary, but also that, as worded, it would result in giving Local Boards a direct authority over chaukidari administration which will be in conflict with the powers vested in the District Magistrate. That is one of the results of combining in one body the chaukidari and petty municipal administrations which were previously entrusted to two different bodies. If we adopt account rules which were previously applicable to one body only, we arrive at the undesirable result that we give a right of interference with a side of the administration with which that body had previously no connection whatever. Under the proposed section the Union Boards cannot incur any expenditure or undertake liabilities of any amount exceeding the limit imposed by Local Boards, and it would, therefore, be in the power of the Local Board to say that there shall or shall not be so many chaukidars, and that their pay, even if approved by the District Magistrate, shall or shall not be paid to them unless it is in accordance with what the Local Board has laid down. There would thus be a direct conflict of authority, and on this second ground also, I would oppose the amendment.”

The Hon'ble Babu Akhil Chandra Datta said :—

“ My Lord, I have nothing more to say.”

The motion was then put and lost.

Adjournment.

The Council was then adjourned to the next day, Wednesday, the 9th April, 1919, at 11 A.M. in Government House, Calcutta.

A. M. HUTCHISON,

Secy. to the Govt. of Bengal and

Secy. to the Bengal Legislative Council (Offg.).

CALCUTTA ;

The 9th May, 1919.

Abstract of the Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act, 1915.

THE Council met in the Council Chamber at Government House, Calcutta, on Wednesday, the 9th April, 1919, at 11 A.M.

Present :

HIS Excellency the Right Hon'ble LAWRENCE JOHN LUMLEY DUNDAS, EARL OF RONALDSHAY, G.C.I.E., Governor of the Presidency of Fort William in Bengal, presiding.

The Hon'ble SIR HENRY WHEELER, K.C.I.E., C.S.I.

The Hon'ble MR. J. G. CUMMING, C.S.I., C.I.E.

The Hon'ble SIR BIJAY CHAND MAHTAB, K.C.S.I., K.C.I.E., I.O.M., MAHARAJA-
DHIRAJA BAHADUR OF BURDWAN.

The Hon'ble MR. J. H. KERR, C.S.I., C.I.E.

The Hon'ble MR. C. J. STEVENSON-MOORE, C.V.O.

The Hon'ble MR. F. C. FRENCH, C.S.I.

The Hon'ble MR. J. DONALD, C.I.E.

The Hon'ble MR. L. S. S. O'MALLEY, C.I.E.

The Hon'ble MR. H. P. DUVAL.

The Hon'ble MR. M. C. McALPIN.

The Hon'ble MR. F. A. A. COWLEY.

The Hon'ble COLONEL J. K. CLOSE, M.D., I.M.S.

The Hon'ble MR. W. C. WORDSWORTH.

The Hon'ble MR. C. F. PAYNE.

The Hon'ble MR. S. G. HART.

The Hon'ble KHAN BAHADUR MAULVI AMINUL ISLAM.

The Hon'ble SIR RAJENDRA NATH MOOKERJEE, K.C.I.E.

The Hon'ble SIR NILRATAN SARKAR, KT.

The Hon'ble MR. R. V. MANSELL, O.B.E.

The Hon'ble MR. W. H. H. ARDEN-WOOD, C.I.E.

The Hon'ble MR. L. V. N. MEARES.

The Hon'ble MR. PROVASH CHUNDER MITTER, C.I.E.

The Hon'ble KUMAR SHIB SHEKHARESWAR RAY.

The Hon'ble SIR DEBA PRASAD SARBADHIKARI, KT., C.I.E.

The Hon'ble RAI DEBENDER CHUNDER GHOSE BAHADUR.

The Hon'ble RAI RADHA CHARAN PAL BAHADUR.

The Hon'ble MR. W. E. CRUM, O.B.E.

The Hon'ble MR. W. H. PHELPS.

The Hon'ble MR. G. A. BAYLEY.

The Hon'ble DR. ABDULLA-AL-MAMUN SUHRAWARDY.

The Hon'ble MAULVI ABUL KASEM.

The Hon'ble MAULVI A. K. FAZL-UL-HAQ.

The Hon'ble KHAN SAHIB AMAN ALI.

The Hon'ble RAI SRI NATH RAY BAHADUR.

The Hon'ble BABU AKHIL CHANDRA DATTA.

The Hon'ble RAI MAHENDRA CHANDRA MITRA BAHADUR.

The Hon'ble BABU MAHENDRA NATH RAY, C.I.E.

The Hon'ble BABU KISHORI MOHAN CHAUDHURI.

The Hon'ble BABU AMBICA CHARAN MAZUMDAR.

BENGAL VILLAGE SELF-GOVERNMENT BILL, 1919.

Babu A. C. Datta; Mr. Kerr.

The discussion on the Bengal Village Self-Government Bill, 1919, was resumed.

AMENDMENT No. 143.

The Hon'ble Babu Akhil Chandra Datta moved that the words "Sub-divisional magistrates" and "circle officers" in lines 2 and 3 of sub-clause (1) of clause 56 (new clause 51) be omitted.

• He said :

"My Lord, the words 'the subdivisional magistrates' and 'circle officers' were not in the original clauses. They have been introduced by the Select Committee on the second occasion. Whatever may be the position as regards subdivisional magistrates we have serious objections to this important power being invested upon the circle officers; we are afraid that the result will be the departmentalization of the union board. In the light of our experience of the working of the wholesome provisions of the Chowkidari Act of 1870, we know how the village police were absolutely departmentalized. With regard to this matter, of course, the circle board was the essence of the scheme of the District Administration Committee, but the circle board has been eliminated by the Select Committee and the Council has accepted that position. Now, that being so, the circle board having been eliminated, it is only proper that the circle officers should also go out. Circle officer without a circle board is rather an anomaly. The result will be that the village council will be something like a village school with the members of the union board as peoples and the circle officers as pedagogues, and what we are afraid of, my Lord, that like a veritable pedagogue the circle officer will use the rod too frequently and too indiscriminately and will possibly hinder the spontaneous growth of the self-governing institution. That is our apprehension. In paragraph 720 of their report the Decentralization Commission said that it is most desirable that the union board should be free from interference of lower Government subordinates. I am not quite sure, my Lord, it may be said possibly that this was a remark which was not intended for officers of the class of circle officers, but I should think that this applies to the circle officers, specially in view of the fact that the proposal to appoint deputy magistrates as circle officers has been for all practical purposes rejected and that it is now proposed that circle officers will be young sub-deputy collectors either just appointed or who will be appointed presently. In view of all this we fear that the interference of circle officers is likely to hinder the growth of union boards: and besides, my Lord, it appears to me that this is more retrograde than the corresponding section of the Local Self-Government Act, section 120, and especially as these words were not in the original clause there is no special reason why they should be added at this last stage."

The Hon'ble Mr. Kerr, said :—

"My Lord, I may begin by correcting one misapprehension under which the Hon'ble Member seems to be labouring. He says that these words to which he objects were not in the original Bill; but in the Bill, as it was presented to the Council in February last, it was provided in Schedule III that the district magistrate should be authorized to delegate to a sub-divisional magistrate or a circle officer the power of seeing that the proceedings of union boards were in conformity with the law and the rules."

*Bengal Village Self-Government Bill.**Mr. Kerr.*

made thereunder. In the Select Committee it was objected—and I think quite rightly objected, that this was not a proper matter for delegation. It was argued that if it is the policy of Government to employ these officers in seeing that the proceedings of union boards are conducted in conformity with the law, the policy of Government ought to be provided for in the law itself and should not be left as a matter of delegation for the magistrate's decision. The Select Committee agreed with that view, and they consequently cancelled that item in the schedule and inserted these words in clause 56—the words which the Hon'ble Member wishes to get rid of.

As far as I understand the Hon'ble Member, he does not very much object to subdivisional magistrates exercising this power and I think it is fairly clear that under the present system of administration, the district magistrate and the subdivisional magistrate must have the power of inspecting these union boards and of seeing that their proceedings are conducted on the right lines. But the Hon'ble Member does object to this duty being entrusted to circle officers. The Hon'ble Member has quoted a good many extracts from the report of the District Administration Committee; and I gather that he considers that the views of that body are entitled to considerable weight. I am rather surprised therefore that he does not seem to have studied their scheme of circle officers. He says that as the circle boards have been knocked out, we should knock out the circle officers also. Under the District Administration Committee's scheme, circle boards were to meet once a quarter; the circle officer might be its Secretary or he might be a member. It was an obvious defect in the Committee's scheme that there was very little work for the circle board, and therefore the Select Committee abolished the circle board. But, as regards the circle officer, the position is entirely different, and the fact that circle boards have been abolished is no reason for abolishing circle officers also. The circle officer is to be a touring officer. He is to have under his jurisdiction 25 or 30 of these boards, he is to be on tour nearly the whole of the month and he is expected to visit each union at least once a month. It can hardly be expected that a circle officer visiting a union would merely pass the time of day with the president, talking about the weather and the state of crops, and carefully refraining from putting any questions as to how the union boards were working and as to what sort of difficulties they were meeting. It is to be a definite part of the functions of the circle officer to see that the proceedings of union boards are in conformity with the law, and the circle officer is obviously the person who will have the best opportunities of doing so. If the Hon'ble Member's amendment were accepted, the only people who would have power to look into the working of these small bodies would be the commissioner, the district magistrate, the chairman of the district board and the chairman of the local board. I explained yesterday that in each district there will be on the average, when the scheme is extended throughout the province, 250 union boards. Obviously, the district magistrate could not inspect these bodies individually—still less the commissioner. The subdivisional officer will have 80 or 100 union boards in his jurisdiction, but that number is too many for him to be in touch with. If there is to be any control over these union boards and if they are to be given real guidance and help, we must go lower down the official hierarchy, and I do not think that it will be seriously suggested that these small bodies composed of village people will not require help and guidance at any rate for some years to come. Government, therefore, consider it essential to retain this function of the circle officer. The circle officer is not going to be a raw youth put in to worry these bodies. We have, it is true, increased the cadre in view of the passing of this Bill; but it does not follow that we shall put in men who were only appointed the other day to undertake the duties of circle officers. We shall probably put in more experienced men who have

*Bengal Village Self-Government Bill, 1919.**Babu A. C. Datta : The President.*

already been trained as circle officers, and in any case sub-deputy collectors will be trained before they are entrusted with these functions. On these grounds, I submit that it is necessary, for the proper working of the Bill, to retain these functions of the circle officer and I must therefore oppose the amendment."

The Hon'ble Babu Akhil Chandra Datta said :—

"My Lord, one of the important arguments advanced by the Hon'ble Mr. Kerr is this—that the institution of circle officers has been very much recommended by the District Administration Committee. Now, my Lord, I wanted to avoid any reference to the District Administration Committee's report about the origin of this institution. I wanted to avoid advisedly and deliberately because I think there is something very wrong in the case that has been made out in favour of the circle officer by the District Administration Committee. If we analyze the position of the District Administration Committee about these officers, it comes to this: They say that the real problem is how to bring Government officials into touch with the people in order to enlist their co-operation and sympathy in all administrative measures. Then it is said that in Bengal administrative devolution stops at the subdivisional officers: there is another agency subordinate to subdivisional officers as a connecting link between Government on the one side and the people on the other. Then they go on to consider as to how an agency between the villagers and Government can be established here in Bengal. And then they consider as to why the tahsildars and other officers, below the subdivisional officers, whose main function is the collection of revenue, should not form this agency; but having regard to the permanent settlement in Bengal it would be quite unreasonable to bring into existence a class of officers for that purpose and therefore they go on to observe that there must be some other justification for bringing into existence some such officers, and then they say that justification will be found in village organization. It is in that way that a case has been made out for circle officers: in other words, according to the view of the District Administration Committee, circle officers are not wanted as a means to the end, which is the primary object of the village self-government, but circle officers are the end and that in order to give them some occupation that the village system should be organized. In any case the view that has been taken by the District Administration Committee has nothing to do with the village self-government. In this clause 56 (now clause 51) there is first of all the commissioner, then the district magistrate, then the subdivisional officer, the circle officer, then the chairman of the district board and finally the chairman of the local board who will inspect the working of the local board. That cannot be conducive to the growth of these individual institutions."

The motion was then put and lost.

AMENDMENT No. 144.

The President said :—

"Item No. 144 is covered by the previous decision."

The motion was then deemed to be withdrawn.

It was as follows :—

The Hon'ble Babu Kishori Mohan Chaudhuri to move that the words "circle officers" in lines 2 and 3 of sub-clause (1) of clause 56 (now clause 51) be omitted.

*Bengal Village Self-Government Bill, 1919.**Babu A. C. Datta; Sir H. Wheeler.***AMENDMENT No. 145.**

The Hon'ble Babu Akhil Chandra Datta moved that for the word "commissioner" in line 1 of sub-clause (2) of clause 56 (now clause 51) the words "district board" be substituted.

He said :—

"My Lord, in this connection I shall only refer to another clause of a similar subject, namely, clause 63 (now clause 58) where similar power is given to the district magistrate or the district board, and besides my Lord, the supervision will be done better by the district board who will be nearer at home than by the commissioner with all his multifarious duties and living at some distance and not in direct touch with the union boards."

The Hon'ble Sir Henry Wheeler said :—

"My Lord, I must oppose this amendment. Clause 56 in its first portion places the duty on certain authorities of seeing that the actions of these union boards are in accordance with law, and in the second portion it gives power to the Commissioner to annul proceedings which are not in accordance with law, this being a sequel to the first part. The placing of this power with the Commissioner is in conformity with the ordinary principle of outside control. It has been said on occasions in the past that local self-government has not had a fair chance of success in this province because control has been too much from within instead of from without. Now when, in this instance, we propose to impose control from without, we are told that that, in its turn, is not necessary, and that it will be quite sufficient to vest the controlling authority in the district board. I submit that the suggestion is inconsistent with the idea of outside control, and that the Commissioner is the proper agency to intervene if the proceedings transgress the law. It is arguable, indeed, that in mentioning the Commissioner we are putting it unnecessarily high, and that we might reasonably have vested this power in the district magistrate: but in so far as the setting aside of the action taken presumably, by a responsible local authority, is an act of some importance, I do not see that there is any cause for complaint in that we have vested it in a higher officer, and in answer to the assertion that the Commissioner will know nothing about what is going on, I may say that he will, inevitably, act on the reports of the supervising functionaries that are mentioned in the first part of the clause."

The Hon'ble Babu Akhil Chandra Datta said :—

"My Lord, there is nothing more to add."

The motion was then put and lost.

AMENDMENT No. 146.

The following motion was deemed to be withdrawn :—

If motion No. 145 be carried **The Hon'ble Babu Akhil Chandra Datta** also to move that for the word "he" in line 2 of sub-clause (2) of clause 56 (now clause 51) the word "they" be substituted.

*The Bengal Village Self-Government Bill, 1919.**Babu A. C. Dutta; Sir H. Wheeler.***AMENDMENT No. 147.**

The Hon'ble Babu Akhil Chandra Dutta moved that after the word "commissioner" in line 1 of sub-clause (2) of clause 56 (now clause 51) the words "or the chairman of the district board" be inserted.

He said :—

"My Lord, my justification for this amendment is that in clause 63 (now clause 58) where a similar power has been given to the district magistrate as well as to the district board a similar power has been given to the district board and that may be done in this case also."

The Hon'ble Sir Henry Wheeler said :—

"My Lord, I have just explained the intention in introducing the Commissioner in this clause and I cannot see any advantage in instituting a dual authority which will have the right to set aside an illegal action if taken by the union board. The precedent of clause 63 (now clause 58) is not very appropriate; that has to do with the suspension of action—a kind of emergency power to be applied immediately if it is found that a serious mistake has been committed. There may be justification for giving that power concurrently to the district magistrate and to the district board which will see a good deal of the working of these union boards, but clause 56 (now clause 51) is entirely different. That covers the duty of definitely setting aside a proceeding, and that is best vested in one authority and not in two."

The Hon'ble Babu Akhil Chandra Dutta said :—

"My Lord, so far as the arguments of the Hon'ble Member based on dual authority are concerned, I do not think that as there are so many instances of dual, treble and quadruple authorities in this Bill, that that is a sufficient ground for opposing my amendment."

The motion was then put and lost.

AMENDMENT No. 148.

The Hon'ble Babu Akhil Chandra Dutta moved that the words "or any other person authorized by them or by the local Government" in lines 3, 4 and 5 of clause 57 (now clause 52), be omitted.

He said :—

"My Lord, the corresponding section in the Local Self-Government Act is section 121, but these words do not appear in that section, and I am not aware of any reason why they should not be used here."

The Hon'ble Sir Henry Wheeler said :—

"Clauses 57 and 58 (now clauses 52 and 53) of the Bill are, in a sense, consequential on clause 56 (now clause 51). Clause 56 (now clause 51), as I have just said, makes certain people responsible for seeing that the

*The Bengal Village Self-Government Bill, 1919.**Babu A. C. Datta.*

union boards are working in conformity with the law. Clauses 57 and 58 (now clause 52 and 53) give certain people the right of inspecting the record of work of these union boards, and seeing whether their work is running in a proper way or not. In clause 57 (now clause 52) it is provided that 'the chairman of the district board or local board or any other person authorized by them or by the local Government' may have access to books, records, etc. Clause 58 (now clause 53) provides the same as regards works in progress. The Hon'ble Member wishes to omit the reference to "other persons" but to my mind that would be a most regrettable curtailment of the section, and I would instance to him persons to whose intervention, I should imagine, no exception can be taken. I mentioned the other day that we shall have power to make rules regarding accounts and audit. Proper account keeping will be an important part of the administration as conducted by the union boards, and it will be apart of the administration which it is most undesirable to allow to go wrong. It may happen that it will be found desirable to send persons down to audit and look into the accounts of these union boards, and if so, they will be authorized under this section, and I cannot see that any reasonable exception can be taken to action on these lines. If so, it is right that this clause should stand as at present."

The Hon'ble Babu Akhil Chandra Datta said :—

"I have nothing more to add."

The motion was then put and lost.

AMENDMENT No. 149.

The following motion stood in the name of the Hon'ble Babu Akhil Chandra Datta :—

The Hon'ble Babu Akhil Chandra Datta to move that the words "and other person authorized by them or by the local Government", in lines 3 and 4 of clause 58 (now clause 53), be omitted.

He said :—

"My Lord, I feel that there may be cases in which it may be necessary to engage other persons for the purposes of the inspection contemplated by clause 58. Therefore, on second consideration, I do not like to press this amendment. I, therefore, beg permission to withdraw it."

The motion was then, by leave of the President, withdrawn.

AMENDMENT No. 150.

The Hon'ble Babu Akhil Chandra Datta moved that for the words "district magistrate", in line 1 and in line 5 of sub-clause (1) of clause 59A (now clause 54), the words "district board" be substituted.

*The Bengal Village Self-Government Bill, 1919.**Sir H. Wheeler; Babu A. C. Datta; Babu K. M. Chaudhuri.*

The Hon'ble Sir Henry Wheeler said :—

"My Lord, had other amendments been accepted, it would have brought the district board into closer relation with the chaukidars and dafadars than they ever have been, or than it was ever intended that they should be. In that case, this amendment might be said to be consequential. But those other amendments not having been accepted, I submit that this amendment is entirely unreasonable and inappropriate, and I therefore oppose it."

The Hon'ble Babu Akhil Chandra Datta said :—

"My Lord, I have nothing to add."

The motion was then put and lost.

AMENDMENT No. 151.

The following motion was deemed to be withdrawn.

If motion No. 150 be carried, the Hon'ble Babu Akhil Chandra Datta to move that for the word "he", in line 6 of sub-clause (1) of clause 59A, (now clause 54) the word "they" be substituted.

AMENDMENT No. 152.

Clause 61.

The Hon'ble Babu Kishori Mohan Chaudhuri moved that for the words "district magistrate", in the two places in which they occur in clause 61 (now clause 56), the words "divisional commissioner" be substituted.

He said :

My Lord, my reasons are that in analogous proceedings of these boards, the commissioner has been given the power of interference, and I think that the removal and supersession of these boards should be done by the commissioner independent of the district magistrate. It is a serious matter and it is very desirable that it should not be done locally, but by the divisional commissioner."

The Hon'ble Sir Henry Wheeler said :—

"Sir, I would accept the amendment if the Hon'ble Member would agree to mention the district magistrate as one of the persons whose views the Commissioner would consider, that is to say, that the Commissioner, after consideration of the views of the district magistrate and the district board, etc."

The Hon'ble Babu Kishori Mohan Chaudhuri said :—

"My Lord, I would accept that."

*The Bengal Village Self-Government Bill, 1919.**Sir H. Wheeler. The President; Rai D. C. Ghose Bahadur.*

The motion was put in the following form and agreed to :—

- (1) that for the words "district magistrate" in the two places where they occur in sub-clause (1) of clause 61 (now clause 56) the word "commissioner" be substituted,
- (2) that after the words "consideration of the views of" in the same sub-clause the words "the district magistrate and" be inserted, and
- (3) the words "with the sanction of the commissioner" in the same sub-clause be omitted.

AMENDMENT No. 153.

The Hon'ble Sir Henry Wheeler said :—

"My Lord, amendment No. 153 falls, I think."

The President said :—

"As a result of the decision of the Council on the previous amendment this amendment is no longer in order. The Council decided that the word 'commissioner' be substituted, and they cannot go back on that decision."

The motion was then deemed to be withdrawn. It was as follows :—

The Hon'ble Babu Akhil Chandra Datta to move that for the words "if the district magistrate, after consideration of the views of the district board, is", in lines 1 and 2 of sub-clause (1) of clause 61, (now clause 56) the following be substituted, namely :—"If the district board are"; and that for the words "district magistrate may, with the sanction of the commissioner" in lines 6, 7 and 8 of sub-clause (1) of the same clause, the words "district board may, with the sanction of the local Government", be substituted.

AMENDMENT No. 154.

The following motion was deemed to be withdrawn :—

The Hon'ble Babu Kishori Mohan Chaudhuri to move that the words "with the sanction of the commissioner", in lines 7 and 8 of clause 61 (now clause 56) be omitted.

AMENDMENT No. 155.

The Hon'ble Rai Debender Chunder Ghose Bahadur, in the absence of the Hon'ble Babu Surendra Nath Ray, moved that at the end of sub-clause (1) (b) of clause 61 (now clause 56), the following be added, namely :—

"either as regards the exercise of its power under part I or part II, or both".

He said :

"My Lord, in the absence of the Hon'ble Babu Surendra Nath Ray I applied for permission to move the amendment which stands in his name. The

*The Bengal Village Self-Government Bill, 1919.**Mr. P. C. Mitter; The President.*

Hon'ble Mr. Roy apprehended that in consequence of the supersession of the union board by an order of the magistrate, the result will be that it would affect the status of those members of the board, who might be appointed as members of the union bench and as members of the union court, that is the criminal bench and the civil court, and that it is desirable that it should not have such consequences. But this morning, the Hon'ble Mr. Duval has drawn my attention to the fact that this criminal bench and the civil court will be created by an order of the local Government. That being so, it does not follow that an order of the magistrate will affect such institutions, and therefore I do not think on reconsideration that the amendment proposed is necessary. I therefore ask permission to withdraw it."

The motion was then, by leave of the President, withdrawn.

AMENDMENT No. 156.

The Hon'ble Mr. Provash Chunder Mitter moved that after sub-clause (1) of clause 61 (now clause 56), the following be inserted, namely :—

"Provided that in the case of an order under clause (b) it shall be necessary for the district magistrate to obtain the concurrence of the chairman of the district board before recording the order."

He said :—

"My Lord, as a result of the amendment which has already been accepted, I would like to make a little alteration in my amendment, leaving the substituted words 'divisional commissioner' for the words 'district magistrate'. I may submit that the change I am asking for is more or less consequential on the amendment already accepted by the Council. In the Bill as it originally stood it was the district magistrate who was to be given this power, but now the Council has decided that that power will be exercised by the divisional commissioner. I will ask your Excellency's permission to make that alteration in my amendment and then I shall make my submission with regard to the main point."

The President said :—

"Yes, you may."

The Hon'ble Mr. Provash Chunder Mitter said :—

"My object in moving this amendment is that with regard to the supersession which is the subject-matter of clause 61 (1) (b) [now clause 56 (1) (b)] and with regard to that alone the concurrence of the chairman of the district board should be obtained. The whole scheme of this Bill is such that the chairman of the district board and the district magistrate should act in mutual co-operation, and it is desirable that when a serious step like that of supersession is taken, there should be concurrence of the chairman of the district board. That will obviate a misunderstanding, and that I submit will lead to a better working of these union boards. My Lord, on another occasion I indicated that if a local self-governing institution needs to be reprimanded or superseded in the interests of self-government, strong action should be taken, and at the same time it is desirable that all the authorities should be unanimous in a matter like this."

*The Bengal Village Self-Government Bill, 1919.**Sir H. Wheeler ; Mr. P. C. Mitter ; Maulvi A. K. Fazl-ul-Haq.***The Hon'ble Sir Henry Wheeler said :—**

"My Lord, I do not think that this was a very good amendment even as it was first filed, and I submit that it has become worse now that we have amended clause 61 (now clause 56) in the manner which has just been approved. The original clause was to the effect that if the district magistrate, after consideration of the views of the district board, was satisfied that a union board is incompetent, he could supersede it with the sanction of the Commissioner. The Hon'ble Babu Kishori Mohan Chaudhuri proposed that the order should vest solely in the Divisional Commissioner, although in any case the Divisional Commissioner's sanction would have to be obtained, and we have agreed to that course. I can imagine the Hon'ble Member arguing, though I should not agree with him, that we might require the district magistrate to get the concurrence of the district board, but I cannot see how the Commissioner of the Division can properly be expected to get the concurrence of the district board. Surely now that we have given this power to the Divisional Commissioner and have required him to consider the views of the district magistrate and the district board, we have done all that can be reasonably expected. This power of supersession is the last step in the matter of outside control. It will only be applied as an extreme step, and, we hope, it will not be applied frequently. Let it be remembered that it is to be applied to what, after all, is a small local body; the union board will be a small body concerned with petty administration over a very small area, and administering funds which may run to Rs. 1,000 or so on an average. Is it unreasonable to give the Divisional Commissioner the ultimate right of superseding them if they fail in the discharge of their duties?"

It would be entirely anomalous to require the head of the division to obtain the concurrence of the chairman of the district board before he can take action of this nature. Moreover, it is conceivable, though I do not think it likely, that the district board might be interested or concerned in the events which led up to the supersession of the union board. I therefore oppose the amendment."

The Hon'ble Mr. Provash Chunder Mitter said :—

"My Lord, with regard to the first two lines of clause 61 (now clause 56) the Council will notice that all that is laid down there is that the views of the district magistrate will be considered, not necessarily accepted, but will only be considered. My amendment suggests that in case of supersession, the concurrence of the chairman of the district board may be obtained. Therefore, I submit that instead of the amendment which has already been accepted, the necessity remains. I can quite understand the disinclination on the part of the divisional commissioner to obtain the concurrence of the chairman of the district board, but, my Lord, if we are to make local self-government a success, such disinclination should be discouraged. For that reason, my Lord, I venture to think that my amendment ought to be accepted."

The motion was then put in the amended form and lost.

AMENDMENT No. 157.

The Hon'ble Maulvi A. K. Fazl-ul-Haq moved that after sub-clause (2) of clause 61 (now clause 56) the following be inserted, namely :—

"(3) An appeal shall lie to the local Government from an order of supersession of a union board within such period and in such manner as may be prescribed by rules under section 111."

*The Bengal Village Self-Government Bill, 1919.**Maulvi A. K. Fazl-ul Haq.*

He said :

" My Lord, it has been a matter of the deepest regret to me that owing to a sudden indisposition I have not been able to take my share in the discussion on the Bill during its passage through this Council. Perhaps the Council have to be congratulated on what might possibly have been a curse, but to me, my Lord, the disappointment has been very great and I crave your Excellency's pardon for having said something by way of personal explanation before saying anything on the amendment which stands in my name.

The amendment which I propose is that in case of an order of supersession having been passed either by the district magistrate as originally proposed or by the divisional commissioner as has now been accepted, in consequence of the amendment that has been moved by the Hon'ble Babu Kishori Mohan Chaudhuri, the order of supersession shall be subject to an appeal to the local Government. I do not think I need take up the time of the Council by discussing the broad principles on which all rights of appeal are based. Briefly stated all human tribunals are more or less imperfect ; and an order against which there is no right of appeal carries with it a sort of finality, which ought to attach to the decisions only of infallible tribunals. We may concede at once that this power of superceding the activities of the union board by an order of the divisional commissioner shall be very sparingly exercised and even if it is exercised at all, it will be exercised with the utmost care and caution. But after all, my Lord, an order of supersession may be found to be on enquiry not justified, and if no power is given to a higher tribunal to revise that order, the effect will be that there will be a wrong without a remedy. The right of appeal does not and cannot cause any reflection on the tribunal against which the right of appeal is given. Instances are not wanting in which the very tribunal against which the right of appeal is provided, itself gives the permission for the aggrieved party to appeal. I can mention, for instance, the case in which the High Court certifies against its own judgment that an appeal to the Privy Council is allowable. Therefore, so far as the divisional commissioner or any other authority who passes an order of supersession is concerned, there can be no reflection on him if the right of appeal is permitted. Secondly, a right of appeal gives to an aggrieved party a chance of taking the matter up to a higher tribunal, and having the facts examined by a second party, and thereby there is some sort of consolation to the aggrieved party that after all the order might perhaps have been justified. If the right of appeal is taken away, the party who is given the power to pass an order which carries with it this amount of finality, is led by the very fact of there being no appeal, to act in an arbitrary manner. My Lord, within the last few months, there have been several cases in which orders of supersession have been passed against certain municipalities. These orders have been passed by no less an authority than the local Government itself, and although we need not discuss whether these orders were justified or not, there can be no question that these orders have provoked an amount of protest from public bodies, and almost all the parts of the country affected by these orders thought that in one case, at any rate, the order of supersession should not have been passed. What will happen if an order of supersession is passed by the divisional commissioner and there is no right of appeal to the local Government? How are the aggrieved parties to vent their grievances and acquaint the local Government of what they have got to say in the matter. Supposing they send in a petition to the local Government, the section does not provide the local Government with any power of cancelling the order of supersession passed by the divisional commissioner. Secondly, I would ask Hon'ble Members to read that sub-section and they will find at once that although in an order of supersession a time-limit

*The Bengal Village Self-Government Bill, 1919.**Sir H. Wheeler.*

can be fixed, there is no limit again to the time-limit. What I mean is this; supposing the commissioner passes an order superceding the union board for a period of 10 years. Who is going to restrict his hands, who is going to rectify the wrong? Supposing, so far as that particular matter is concerned, an order has got to be set right, who is going to do that, under what authority is it to be done? Thirdly. I would ask the Hon'ble Members to examine clause (a), as regards which we have not said anything, for my hon'ble friend, Mr. Mitter, who has just moved an amendment in connection with this section, has not said anything as regards sub-clause (a) I have not thought it proper to move any amendment as far as that sub-clause is concerned, because the district magistrate or the divisional commissioner or any other authority may remove, if necessary, the president of the union board. There, only an individual is concerned; it does not raise any question of principle, and I do not think it would be right and proper to take away the power of the commissioner or the district magistrate to remove the chairman through whose neglect of duty the work of the union board might suffer, but when we come to the supercession of the activities of a corporate body, like that of the union board, there the questions that arise are of a far more serious character, and it is only when the rights of the union board as a body are affected, by an adverse order passed by the commissioner, that I recommend that an appeal should be provided for, and to no less an authority than the local Government. Briefly stated, therefore, my reasons are these: In the first place, all orders ought to be, as a matter of principle, subject to appeal, so that they may be set right if there is something wrong; and secondly, this provision to prefer an appeal does not cause any reflection on the authority over whom a right of appeal is given. Thirdly, the section is so worded that if the commissioner passes an order without fixing a time-limit, there is nothing in the section to set, at least that kind of wrong right, and fourthly, the supercession of the activities of the union board affects very seriously the rights and privileges of a corporate body and should always be subject to revision by a higher authority. I do not think, my Lord, that in moving this amendment I need say anything further."

The Hon'ble Sir Henry Wheeler said:—

"My Lord, we are all glad to see the Hon'ble Maulvi Fazl-ul-Haq among us to-day, though, possibly for the reason that he was absent for the last two days, he has supported his amendment at greater length than will characterize my reply. I oppose the amendment as being unnecessary, and as being framed with a want of sense of proportion of what the issues at stake really are. It seems to me that a rather unexpected result may have followed from the Select Committee suggesting the adoption of the term 'union board' instead of 'village committee' as in the original Bill. We are accustomed to 'boards' as indicating bodies of some magnitude and importance, and possibly the use of the same term in connection with these unions has conveyed a similar impression in relation to the union board. But it is an erroneous impression. I have already referred to the scope and the functions of these boards; they will, in fact, be glorified panchayets, though we hope that they will be panchayets which will be more useful and satisfactory than were the existing chaukidari panchayets, while they will have greater scope for beneficial activities than the present union committees. But, in essence, these union boards will be small village bodies. In the event of their going entirely off the rails, some power has to be taken to curtail their functions, and I submit that it is not unreasonable to allow that power to be exercised by the Divisional Commissioner, and that it is entirely out of proportion to ask the Governor in Council, sitting here in Calcutta, to intervene in a matter of this kind."

*The Bengal Village Self-Government Bill, 1919.**Rai R. C. Pal Bahadur; The President.***The Hon'ble Rai Radha Charan Pal Bahadur said :—**

"My Lord, I desire to say a few words on this motion. I regret that this motion, which has been moved by my hon'ble friend, Mr. Mitter, is not to be accepted, as I hoped that it would be accepted, following the precedent of yesterday when some of his motions were accepted. We had, however, the misfortune of losing all our amendments."

The President said :—

"We are now discussing the Hon'ble Maulvi Fazl-ul-Haq's motion No. 157 and not the Hon'ble Mr. Mitter's motion. The Hon'ble Member should therefore confine his remarks to the motion before the House."

The Hon'ble Rai Radha Charan Pal Bahadur (continuing) said :—

"Coming to the Hon'ble Maulvi Fazl-ul-Haq's motion, I think I have heard with great care and attention the reply of the Hon'ble Sir Henry Wheeler. I find he says that union boards will be glorified panchayets, having greater scope for increased activities than the union committees and that as they will be small village bodies there ought to be a sense of proportion between district magistrates and subdivisional magistrates. Subsequently an amendment has been accepted providing that the sanction of the divisional commissioner should be obtained before passing an order and that in such small matters the local Government should not be troubled. I think I may go back to the history of the question because although it may be well known to the official members, it may not be known to the members on this side of the House; and I may state that before 1908 under the then existing Act the power of superseding these union committees, which are now to be transformed into glorified union boards with larger scope and activities, vested in the district board—and not in the district magistrate, nor in the divisional commissioner, but in the local Government. In 1908 the Act was amended and under a certain section of the Act it was enacted that if a district board or local board or a union committee was not competent to perform the duties or persistently made default in the performance of duties imposed on it by or under this Act, the local Government may by notification specifying the reason for doing so supersede such district board, local board or union committee for a period to be specified in such notification. This is an Act, my Lord, of this legislature which will remain in force until this Act is passed. It will thus be seen that before that a much less glorified body, with smaller powers, used to be superseded not by the district magistrate nor by the divisional commissioner but by the local Government; and the local Government which thereafter in this province was transformed into a Presidency Government by a subsequent amendment of the Bengal Act, must be taken to mean the Governor in Council. Therefore, my Lord, the Governor in Council up to the present time is the only authority which could supersede such a small body as the union committee. It will thus be seen that here we have got the existing Act in our favour and this is a year of progressive reform. The result of the legislation is that the district magistrate with the sanction of the divisional commissioner will supersede these union committees although they will be much expanded. I appeal to your Excellency to consider whether having regard to the march of intelligence in this country and the genuine efforts made by Government to bestow self-government upon the people, this piece of legislation will be considered as a reform towards progress or of retrogression. Then, my Lord, I do not know what is opposed. What I ask for is that an appeal may be allowed to the

*The Bengal Village Self-Government Bill, 1919.**Babu A. C. Mazumdar ; Sir D. P. Sarbadhikari.*

local Government ; the local Government will no doubt consider the reasonableness or unreasonableness of the order of the district magistrate. The district magistrate is not always an infallible person and the local Government presided over by your Excellency or your Excellency's successor, and assisted by the cream of the service which rules the land, will surely be in a much better position to exercise judgment than a district magistrate however good and able he may be. Therefore, my Lord, I think when we the people of this country, the subjects of the British Empire, seek that we should have the right of appeal to the highest representative of the Crown in our own Presidency, why should we be kept out and said that 'our sub-agent must decide and you must submit to his order.' Are we not subjects of the British Crown? It is in this view of the matter that I pray that this amendment may be accepted, so that we may be able to approach your Excellency with an appeal whenever necessary."

The Hon'ble Babu Ambika Charan Mazumdar said :—

"My Lord, I wish to add only one word in support of this amendment. The order of supersession is the extreme penalty which can be imposed under an Act of this kind and where the sentence is so very severe I do not see why there should not be an appeal. It does not derogate the authority and the position of the Commissioner or that of the Magistrate. It is an universal proposition that in case of an extreme sentence even the worst offender is entitled to an appeal. If the power of supersession had been reserved in the Government as the power now is there would have been no complaint. In fact by this Bill we are going to delegate that function to an inferior officer of Government. In that case I think it is only just and fair that there should be a right of appeal for the union boards. Our recent experience has shown that the sentence of supersession whether rightly or wrongly passed is strongly resented by the people, and I hope if not for anything else, at all events for the satisfaction of the people Government would act wisely to give this right of appeal. It will not take much of the time of the Governor in Council, as there will be very few cases of this character. Then why create the dissatisfaction of the people by making the order of a magistrate subject to Commissioner's sanction final. My learned friend, Hon'ble Maulvi A. K. Fazl-ul-Haq, only wants that there should be a right of appeal. I think that this is a very reasonable modification of the present clause which I hope the Hon'ble Sir Henry Wheeler will still see his way to accept."

The Hon'ble Sir Deba Prasad Sarbadhikari said :—

"My Lord, in the first place, I should like to draw your Excellency's attention to clause 1, sub-clause (3), of the Bill, under which the local Government may, by notification, withdraw this Act from any district or part of a district. So far as sub-clause (b) of clause 61 (1) (now clause 56) is concerned, what does it really amount to? It really withdraws for the time being the Act from that part of the district, superseding the board for a period to be specified in the order. I doubt very much whether the Act can take away the power from the local Government ; supersession of the board for the time being means nothing short of the withdrawal of the board. That is a matter for the Government to consider before this amendment is further resisted. In the second place, it strikes me that a provision like this made for right of appeal to the Government should automatically be acceptable to Government, if for no other reasons than for reconciling public opinion and making the work of self-government smoother in this country. I do not know

*The Bengal Village Self-Government Bill, 1919.**Mr. P. C. Mitter; Rai M. C. Mitra Bahadur.*

whether these sentiment that the authority to be initiated under this Act relates to a very small measure of self-government with regard to what may be called *glorified panchayets* has found expression before or not. I do not appreciate this sentiment and would rather deprecate it. Well, my Lord, the panchayets in the olden days was a very big institution. It may have degenerated in the immediate past; and if we are really to interest ourselves in glorifying that once 'glorious' institution which was one of the features of previous administrations, we are justified in belittling it. But, my Lord, I think that what we propose to inaugurate is something more than a glorified panchayet. Judging by the great interest displayed by your Excellency in its inception and judging from the speeches of the Hon'ble Members introducing the measure in this Council from time to time, I should think that we are laying absolutely the first stone of the great structure of self-government that is coming. When it was urged by some that it might as well stand over till the Reform Scheme was matured, it was pointed out—with force—that it is right that, pending the Reform Scheme, we should be ready with the concrete foundation for the inauguration of the great measure and take the first steps that would make the success of that measure assured. It was from that point of view that we have so long been approaching this measure; and if what we have so long been maturing it was nothing more than a 'glorified panchayet', as Sir Henry Wheeler has said to-day, I do not think that the time and attention that this Council and the various select committees have been well spent. To my mind, this measure is really and truly a great measure and it ought not to be deprecated in the way it has been this morning.

"My Lord, I do not wish to labour this point beyond submitting that having regard to the various diverging interests that will arise from time to time and to the strong appeal that was made, your Excellency's Government should have at least thought that it would be graceful on the part of the Government to accept the amendment."

The Hon'ble Mr. Prevas Chunder Mitter said :—

"My Lord, there is one aspect of the question to which I should like to draw your Excellency's attention. It is true that a large number of these union boards will concern themselves with the administration of a small force of men but it is equally true that a fair number of them will be concerned with the administration of a considerable force of men. There will be a number of these union boards which will deal with subdivisinal towns which will have bazars and big *hâts* and will be in receipt of an income of not less than eight to ten thousand rupees. I understand that it is the policy of Government that with regard to very small towns it is very desirable to have union boards and union committees than to have the application of the Bengal Municipal Act and therefore the suggestion which I venture to throw out is whether or not it is possible to make a distinction between the more important of those union boards—say union boards having an income of Rs. 2,500 and those having a less income."

The Hon'ble Rai Mahendra Chandra Mitra Bahadur said :—

"My Lord, I desire to speak a few words in this connection. There is a deep impression in the minds of the people that whenever their grievances

*The Bengal Village Self-Government Bill, 1919.**Maulvi A. K. Fazl-ul Haq.*

are not redressed, they would like to submit a memorial to the *Lat Sahib* for redress. If we look, therefore, to the impression of the people, we can very well understand that everybody desires that there should be a right of appeal to your Excellency's Government and why should this desire of the people be not allowed? This is a matter which demands your Excellency's consideration. Now, so far as the position of affairs goes, we understand that the decisions arrived at by the subordinate officials of Government ought to be controlled by your Excellency's Government, not in all cases but in many cases. If that be the view, then, it is a matter which ought to be considered. The union boards are for the first time introduced in our province and if any decision is arrived at by the subordinate officers of your Excellency's Government, is it not fair, just and proper that the Government—the highest official of that Government—should take that into consideration, namely, look into the matter? My Lord, I speak from my personal experience that the people of this country wish that such matters ought to be taken into consideration by the highest official of Government, and in this view of the matter I support the amendment."

The Hon'ble Maulvi A. K. Fazl-ul-Haq said :—

"My Lord, I did not know that the joys and sorrows of poor rustics—their homely joys and their destinies obscure—were so very insignificant as not to be worthy of consideration at the hands of the high officials of Government. I had an idea that by this Village Self-Government Act high privileges and rights were going to be conferred on these institutions; but we are told practically that these institutions would be nothing but 'glorified' nonentities—so insignificant in fact that the members of your Excellency's Government cannot condescend to hear an appeal if an order is passed by a subordinate authority suspending their activities for a period, the length of which is to be determined by the authority passing the order without any restrictions as to what that period is going to be. If these bodies are really so very insignificant as that, why not leave the order of supersession to be passed by the district board; why trouble the district magistrate and the divisional commissioner again; why not place the union boards entirely subject to the control of district boards—for the district boards to look into their working, to pass an order and do whatever they like and if necessary without any right of appeal to a higher authority. I submit, my Lord, that in the original draft of the Bill itself, there was something, if not actually a provision for a right of appeal, or at least something of that character. Your Excellency will notice that, in the clause as originally drafted, the order of supersession was to have been passed by the district magistrate and the power of the district magistrate was to have been exercised with the sanction of the commissioner by an order in writing. This means that although it would have been the district magistrate who would have first taken action, the action that was proposed to be taken would have been revised by a higher authority. In this particular case, the initial step is to be taken by the divisional commissioner and there is no higher authority to revise that order. I submit, therefore, that this is going back in principle upon the original draft itself. After all that has been said by Sir Deba Prasad Sarbadhikari and Rai Radha Charan Pal Bahadur, I do not think it is necessary for me to take up the time of this Council. I am not also physically fit, and I do not wish to inflict any long speech on a question like this. I will only say a few words before I resume

*Bengal Village Self-Government Bill, 1919.**Sir H. Wheeler.*

my seat. My Lord, suppose an order of supersession is passed and it is really resented by the people, how are they going to give vent to their grievances? Are they to run to the office of the *Amrita Bazar Patrika* and kick up an agitation and are they to lead a procession through the streets and to go on selling forbidden leaflets in order to let the Government know what the public feeling is in the matter? I submit that there ought to be some provision to allow the people to let your Excellency know what their grievances are and this can best be done by providing the right of appeal. After all, why should an order be passed and the right of appeal shut out? If the order that the magistrate or the divisional commissioner passes is just and right, why should they shrink from scrutiny? I submit, therefore, that it is wrong in principle; it is subversive of all rules and orders and justice to deprive an aggrieved party from the right of appeal. I appeal to your Excellency not to reject this amendment."

The Hon'ble Sir Henry Wheeler said :—

"My Lord, if I wanted evidence in support of my contention that this amendment betrays a certain amount of lack of proportion in the proposal which it contains, I should produce the evidence of the speeches that have been delivered with reference to it. I still maintain that we are in danger of getting entirely out of proportion in our view of the issues involved in this matter.

As the Hon'ble Rai Radha Charan Pal Bahadur has referred to section 131 of the Local Self-Government Act and has quoted it in his favour, I would briefly state that it is perfectly true that the Act groups district and local boards and union committees in one lump, and vests the power of supersession in the local Government. I can only characterize it as one of many sections which were first framed in connection with local self-Government, which are based upon an undesirable degree of centralization, towards the removal of which subsequent legislation has been directed. A section which groups as analogous bodies district boards and union committees seems to me to be defective on the face of it.

The only other point that I would mention is as regards the curious allegation that has been made by various speakers, that we want to belittle the union boards which we are endeavouring to set up. The Hon'ble Sir Deba Prasad Sarbadhikari seems somewhat inconsistent in referring to the glorious past of the panchayats in this country, and simultaneously saying that I am belittling union boards by referring to them under that name. The accusation reminds me somewhat of an instance some little time ago when, in a published resolution, we were rash enough to say that certain officers were discharging functions of subordinate responsibility. We were then told that we had insulted these officers by that remark, and I endeavoured to clear up that misapprehension in this Council Chamber. As regards these union boards nothing can get away from the fundamental fact that their concern is with small areas, touching which they discharge minor functions and are concerned with exiguous funds. There is really no insult intended in mentioning that the circumstances of the case are of that description.

As regards the joys and sorrows of the poor villagers, which the Hon'ble Maulvi Fazl-ul-Haq charges us with disregarding, I may mention that the supersession of a union board, if it occurs at all, will be directed towards the enhancement of those joys by removing a body which has presumably failed entirely to perform the functions allotted to it."

*Bengal Village Self-Government Bill, 1919.**Sir H. Wheeler ; Babu A. C. Datta.*

A division was then taken with the following result :—

<i>Ayes—19.</i>		<i>Noes—20.</i>	
The Hon'ble Sir Rajendra Nath Mukerjee,	K.C.I.E.	The Hon'ble Sir Henry Wheeler, K.C.I.E., C.S.I.	
" " Sir Nilratan Sarkar, Kt.		" " Mr. J. G. Cumming, C.S.I., C.I.E.	
" " Mr. Provash Chunder Mitter,	C.I.E.	" " Sir Bijay Chand Mahtab, K.C.S.I.,	
" " Kumar Shih Shekharswar Ray.		" " K.C.I.E., I.O.M., Maharajahdiraja	
" " Sir Deba Prasad Sarbadhikari,		" " Bahadur of Burdwan.	
" " Kt., C.I.E.		" " Mr. J. H. Kerr, C.S.I., C.I.E.	
" " Rai Debender Chunder Ghose		" " Mr. C. J. Stevenson-Moore, C.V.O.	
" " Bahadur.		" " Mr. F. C. French, C.S.I.	
" " Rai Radha Charan Pal Bahadur.		" " Mr. J. Donald, C.I.E.	
" " Mr. W. H. Phelps.		" " Mr. L. S. S. O'Malley, C.I.E.	
" " Mr. G. A. Bayley.		" " Mr. H. P. Duval.	
" " Dr. Abdulla-al-Mamun Suhra-		" " Mr. M. C. McAlpin.	
" " warly.		" " Mr. F. A. A. Cowley.	
" " Maulvi Abul Kasom.		" " Colonel J. K. Close, M.D., I.M.S.	
" " Maulvi A. K. Fazl-ul-Haq.		" " Mr. W. C. Wordsworth.	
" " Khan Sahib Aman Ali.		" " Mr. C. F. Payne.	
" " Rai Sri Nath Ray Bahadur.		" " Mr. S. G. Hart.	
" " Babu Akhil Chandra Datta.		" " Khan Bahadur Manvi Aminul Islam.	
" " Rai Mahendra Chandra Mitra		" " Mr. R. V. Mansell, O.B.E.	
" " Bahadur.		" " Mr. W. H. H. Arden-Wood, C.I.E.	
" " Babu Mahendra Nath Ray, C.I.E.		" " Mr. L. V. N. Meares.	
" " Babu Kishori Mohan Chaudhuri.		" " Mr. W. E. Crum, O.B.E.	
" " Babu Ambika Charan Mazum-			
" " dar.			

The following members were absent :—

The Hon'ble Nawab Bahadur of Murshidabad.

" "	Mr. Aminur Rahaman.
" "	Raja Hrishikesh Laha, C.I.E.
" "	Babu Siv Narayan Mukharji.
" "	Babu Brojendra Kishor Ray Chaudhuri.
" "	Mr. Arun Chandra Singha.
" "	Mr. F. W. Carter, C.I.E., C.B.E.
" "	Mr. H. R. A. Irwin, C.I.E.
" "	Mr. M. Ashraf Ali Khan Chaudhuri.
" "	Babu Bhabendra Chandra Ray.
" "	Mr. Altaf Ali.
" "	Babu Surendra Nath Ray.
" "	Mr. K. B. Dutt.

The Ayes being 19 and the Noes 20, the motion was lost.

AMENDMENT NO. 168.

The Hon'ble Babu Akhil Chandra Datta moved that after sub-clause (1). (a) of clause 62, (now clause 57) the following be added, namely :—

"(aa) all powers and duties of the union board under Part I shall, until such board is reconstituted, be exercised and performed by the local board."

He said :

"My Lord, this amendment and amendment No. 161 are related to each other and I propose to speak on them together and it is for your Excellency to decide whether they should be put to the House separately or together. In case of the supersession of an union board the question is which body shall

*Bengal Village Self-Government Bill 1919,**Sir H. Wheeler; Rai D. C. Ghose Bahadur.*

carry on the work of the superseded body. This Bill is divided into two parts—Part I and Part II. Part I deals with the municipal functions and Part II with judicial functions of the union board. So far as the municipal functions are concerned it is only proper that in case of supersession of an union board, they should be carried on by the local boards. But the matter stands on a different footing when we come to the judicial functions. Therefore, I propose that the powers and duties of the union boards under Part I of the Bill should be carried on by local boards and those under Part II should be carried on as under sub-clause (b). That, my Lord, is my submission."

The Hon'ble Sir Henry Wheeler said :—

"My Lord, this clause deals with the distribution of the powers and functions of the union board in the event of its supersession, and it provides that these powers and functions shall be exercised and performed by such local authority, person or persons, and in such manner, as the district magistrate, with the sanction of the Commissioner, may direct, and we framed it in that way so as to give a certain amount of elasticity in distributing the different duties with which these boards may have been concerned. My objection to accepting amendment No. 158 is that it would finally vest all powers under Part I in the local board, whereas Part I contains many functions with reference to chaukidari administration, with which, as I have frequently argued during the last two days, local boards are not concerned. It would not therefore be proper that, even on the supersession of the union board, the local board should step into its shoes in regard to chaukidari matters.

The Hon'ble Member has also referred to his second amendment, No. 161, although it is governed by different considerations, and it may save time if I also state the objections to them now. There seems to be some misapprehension underlying it. What the Hon'ble Member has in his mind is that along with the supersession of the union board, all powers under Part I should vest in the local board, while those under Part II, which deals with judicial functions, should vest in persons to be decided as in the clause as at present drafted. But I may point out that the powers exercisable under Part II are not powers of the union board; they are powers of the union bench and of the union court. If the board is superseded there will be no members of the board, and therefore there can be no bench or court, which is made up of members of the board. Therefore there is a fallacy in the reasoning of the Hon'ble Member as regards the second amendment, and I cannot accept it."

The Hon'ble Rai Debender Chunder Ghose Bahadur said :—

"I think my hon'ble friend is under a misapprehension. The fact of supersession will not certainly affect the criminal bench or the civil court in any way. They will remain as they are and I do not see the necessity of the second amendment proposed by my hon'ble friend. As I said a short time ago in connection with amendment No. 155, the bench and the court will be appointed by an order of the local Government. That being so, no order of supersession by a subordinate authority can touch them. They will, of course, be formed by appointment from among the members of the union board, but if the union board is abolished it does not follow that the court and bench should also be superseded because the appointment of the latter lies with the local Government and, of course, the district magistrate or the divisional commissioner cannot turn them out by saying that we abolish the court and bench."

*Bengal Village Self-Government Bill, 1919.**Babu A. C. Datta ; Sir H. Wheeler ; The President.***The Hon'ble Babu Akhil Chandra Datta** said :—

"As regards amendment No. 161, I must admit that there was some fallacy underlying it which has been pointed by the Hon'ble Sir Henry Wheeler, but which did not occur to me before. I now see that it is unnecessary and I am fully convinced by the arguments of the Hon'ble Sir Henry Wheeler. Therefore, I would not press amendment No. 161. But, as regards the other amendment, I take my stand upon the arguments advanced by the Hon'ble Sir Henry Wheeler himself who says that Part I, among other things also deals with the chaukidari function, and so far as that particular function is concerned it cannot be exercised by the local board in case of the supersession of an union board. So far as that statement goes I am quite prepared to concede that it is quite correct. But at the same time I may point out that Part I, includes other functions also—I mean the municipal functions—functions which are more important than chaukidari duties, sanitary improvements, primary education, medical relief, conservancy, drainage, etc. So far as these functions are concerned, according to the line of argument followed by Sir Henry Wheeler, they should be more appropriately exercised by the local board in case of a supersession of the union board. Therefore, if I may be permitted by your Excellency, I would like to slightly modify my amendment on these lines. My proposition is this : that so far as the municipal functions are concerned they will be carried on by the local board leaving out the other function, namely, the chaukidari function mentioned in Part I. I am entitled to do this as I am not asking for more than this amendment involves."

The Hon'ble Sir Henry Wheeler said :—

"My Lord, I think I can satisfy the Hon'ble Member without the modification of his amendment. All powers and duties under this clause can be made over either to a local authority or to a person or persons, and we inserted the words 'local authority' in order to render it possible to make over the municipal functions of the union board, it may be, to the local board or to an adjoining union board. These municipal functions will ordinarily be made over to the local board, and under the clause as framed it will be perfectly possible to do so. If, as I understand, the Hon'ble Member wishes to ensure that these municipal functions must be made over to the local board, that can be done under the present Bill, but I strongly deprecate inserting other words as he now suggests, since we have no time to scrutinize the whole Bill with the view of appreciating their precise bearing."

The President said :—

"In view of what the Hon'ble Sir Henry Wheeler has said, I think the Hon'ble Member had better move his amendment in the form in which it appears on the paper."

The motion was then put and lost.

AMENDMENTS Nos. 159 to 161.**The President** said :—

"Nos. 159 and 160 are covered by the decision on the former amendment, and I understand the Hon'ble Member wishes to withdraw No. 161."

The following motions were then deemed to be withdrawn :—

*The Bengal Village Self-Government Bill, 1919.**Babu A. C. Datta; Sir H. Wheeler; The President.*

The Hon'ble Babu Surendra Nath Ray to move that after the words "union board", in line 1 of sub-clause (1) (b) of clause 62 (now clause 57), the words "under part I", be inserted; and for the words "such local authority, person or persons, and in such manner, as the district magistrate, with the sanction of the commissioner, may direct, and", in lines 3 to 7 of the same sub-clause, the following be substituted, namely:—

"the local board within which the union board is situated, and under Part II by a nominee of the district magistrate".

If motion No. 159 be carried, **the Hon'ble Babu Surendra Nath Ray** also to move that sub-clause (1) (c) of clause 62 (now clause 57) be omitted.

The Hon'ble Babu Akhil Chandra Datta to move that after the words "union board" in line 1 of sub-clause (1) (b) of clause 62 (now clause 57), the words and figures "under part II" be inserted.

AMENDMENTS Nos. 162 AND 163.

The Hon'ble Babu Akhil Chandra Datta said:—

My Lord, No. 162 and No. 163 which stand in my name are exactly the same, and therefore I am taking them together.

The Hon'ble Sir Henry Wheeler said:—

"My Lord, when I was examining these amendments, they seemed to me to be consequential, as I thought they followed the Hon'ble Member's desire to replace the district magistrate by the district board. But in any case, whether consequential or not, I do not think they are an improvement, as if the power of supersession rests with the district magistrate, with the sanction of the Commissioner, and we have now vested it in the Divisional Commissioner, it is only reasonable that the distribution of the superseded powers should equally rest with the executive authorities. The district board will not come into the act of supersession, neither should it properly come in under the distribution of the superseded powers, particularly since with chankidari matters the district board has no concern."

The President said:—

"I was just going to raise that point. I think as a result of the amendment made in clause 61 (now clause 56), we ought strictly speaking to make a similar amendment in 62, and in place of 'the district magistrate, with sanction of the commissioner', to insert the word 'commissioner'. Under these circumstances, we had better come to a decision upon the Hon'ble Member's amendment, and if that amendment is not carried, I will ask Sir Henry Wheeler to move the amendment which I have suggested."

The motions were then put and lost.

They were as follows:—

The Hon'ble Babu Akhil Chandra Datta to move that for the words "district magistrate, with the sanction of the commissioner" in lines 5 and 6 of sub-clause (1) (b) of clause 62 (now clause 57), the words "district board" be substituted.

The Hon'ble Babu Akhil Chandra Datta also to move that for the words "district magistrate, with the sanction of the commissioner" in lines 4 and 5 of sub-clause (1) (c) of clause 62 (now clause 57), the words "district board" be substituted.

*The Bengal Village Self-Government Bill, 1919.**Sir H. Wheeler; Babu A. C. Datta; Babu K. M. Chaudhuri.***The Hon'ble Sir Henry Wheeler** said :—

"With your permission, Sir, I will now move in consequence of the amendment in clause 61 (now clause 56) which has been accepted by the Council, that in clauses 62 (b) and 62 (c) (now clause 57), the words 'district magistrate, with the sanction of the commissioner,' wherever they occur, should be replaced by the word 'commissioner'."

The motion was put and agreed to.

AMENDMENT No. 164.

The Hon'ble Babu Akhil Chandra Datta also moved that for the words "the district magistrate" in line 1 and in line 7 of clause 63 (now clause 58) and for the words "such magistrate", in line 4 of clause 63 (now clause 58), the words "the local board" be substituted.

The Hon'ble Sir Henry Wheeler said :—

"This is the clause which gives power to suspend the action of a union board in case of emergency, and it vests that power in the district magistrate or the district board. Under section 124 of the Local Self-Government Act the corresponding power is exercised by the magistrate of the district or the commissioner. In the Bill we have introduced the district board, and to that extent we have recognized the desire to emphasize the position of the district board in connection with the supervision of union boards, but this amendment now asks us to go further. It asks us to take out the district magistrate entirely, and to substitute in his place the local board. In other words, it would eliminate all outside right of intervention by the district magistrate, in the event of the doing of an act which in his opinion was likely to cause injury or annoyance to the public, or to any class or body of persons, or to lead to a breach of the peace, and I submit that the intervention of the district magistrate in such a contingency is amply justified by his position in the district and the responsibilities which devolve upon him. He is essentially the man who is concerned with these considerations, and I cannot see the wisdom of eliminating him from the right to see that these considerations are not endangered by any improper action on the part of the union board."

The Hon'ble Babu Akhil Chandra Datta said :—

"I have nothing further to say."

The motion was then put and lost.

AMENDMENT No. 165.

The Hon'ble Babu Kishori Mohan Chaudhuri moved that for the words "or the district board", in line 1 of clause 63 (now clause 58), the words "on the recommendation of the district board to that effect" be substituted.

He said :—

"By this amendment I rather wish to restrict to a certain extent the power of the District Board. Clause 63 (now clause 58) as it stands provides for dual control either by the district magistrate or by the district

*The Bengal Village Self-Government Bill, 1919.**Sir H. Wheeler : Babu K. M. Chaudhuri.*

board. But I think it would be better if the district magistrate be the final authority, and I would like to leave the initiative to the district board. My object is that there should not be any difference of opinion between the two authorities. In most cases the magistrate is the real authority, but in this case, instead of acting independently, I want him to act on the initiative of the district board, which is more concerned with the working of the union board. That is all I have to submit, my Lord."

The Hon'ble Sir Henry Wheeler said :—

"My Lord, I doubt if the Hon'ble Member has correctly represented the effect of his own amendment. As I understand him, he says he wants to avoid the dual control which now exists in the clause, under which, as framed, the district magistrate or the district board may take action, 'but if we accept the amendment which he suggests, the clause would run 'the district magistrate on the recommendation of the district board may. etc.,' the practical result being that even if it appeared to the district magistrate that injury or annoyance is likely to be caused to the public, or a breach of the peace is to be apprehended, he would not be able to move without the recommendation of the district board. My objection to this amendment is similar to that which I took in connection with the previous amendment, viz., that this is a matter in which the district magistrate is acutely interested and in which he should have an unfettered hand to intervene if he thinks it necessary."

The Hon'ble Babu Kishori Mohan Chaudhuri said :—

"I have nothing further to add, my Lord."

The motions was then put and lost.

AMENDMENT Nos. 166—169.

The following motions which were held to be covered by decisions on previous amendments were deemed to be withdrawn :—

The Hon'ble Babu Akhil Chandra Datta to move that for clause 65 (now clause 59) the following be substituted, namely :—

"65. When the local board makes any order under section 63, such board shall forthwith submit to the district board a copy of the order, with a statement of the reasons for making it and with any explanation which the union board concerned may wish to offer, and the district board may thereupon confirm, modify or rescind the order."

The Hon'ble Babu Kishori Mohan Chaudhuri to move that for the words "or the district board", in lines 1 and 2 of clause 65, (now clause 59), the words "on the recommendation of the district board to that effect" be substituted.

The Hon'ble Babu Kishori Mohan Chaudhuri also to move that for the words "the magistrate or board, as the case may be", in lines 2 and 3 of clause 65 (now clause 59), the word "he" be substituted.

*The Bengal Village Self-Government Bill, 1919.**Babu A. C. Datta ; Sir H. Wheeler.*

The Hon'ble Babu Kishori Mohan Chaudhuri to move that after clause 65 (now clause 59) the following be inserted, namely :—

" 65A. Whenever the district magistrate or the divisional commissioner passes any order under this chapter either in the first instance or upon revision, he shall forthwith transmit the whole record of the case to the local Government, who may thereupon confirm, modify or rescind the order."

AMENDMENT No. 170.

The Hon'ble Babu Akhil Chandra Datta moved that for the words "all or any", in line 3 of clause 74 (now clause 65), the words "any three or more" be substituted.

He said :

" My Lord, clause 74 (now clause 65) relates to the constitution of the union bench. Under the clause as it stands even a single member can form a bench. In view of the fact that the decisions will be summary and final and not governed by the procedure laid down by the Civil and Criminal Procedure Codes, my contention is that it would not be safe to have the bench constituted of a single member only. It is said there is safety in number and in that view I propose that the minimum number of members constituting the union bench should be three."

The Hon'ble Sir Henry Wheeler said :—

" My Lord, as two other Hon'ble Members have similar amendments, I may briefly explain the position. It is perfectly true that under clause 74, (now clause 65) as it stands, the local Government may appoint all or any of the members of the board to be members of the bench, and that, therefore, it would be possible to constitute a one-man bench. It is also true that the members of the District Administration Committee seem to have contemplated a bench of several members, as they observed in paragraph 133 of their report as follows :—

' The other members of the Bench should ordinarily be appointed from among the members of the panchayat, and three should form a quorum for the disposal of case work.'

It would follow that if three was to be a minimum quorum we could not have a one-man bench. We considered this point in Select Committee, and opinion was not altogether unanimous with regard to it; but we eventually came to the conclusion that the change was a substantial one, which should be left to the consideration of the Council. The arguments in favour of a bench is, of course, that collective opinion is thereby secured; and when we are constituting a judicial tribunal the proceedings of which will be somewhat informal, as compared with those of the regular courts, it may be desirable to retain that collective judgment as a corrective to any possible errors of one member only. That is the argument for the amendment as I understand it. On the other hand, if we require that the bench *must* consist of three men, it may hamper the extension of the system, in so far as, while in some parts it may be possible to find one, or

*The Bengal Village Self-Government Bill, 1919.**Rai D. C. Ghose Bahadur; Rai M. C. Mitra Bahadur.*

even two, men fit to exercise these powers, it may not always be the case that we can find the minimum of three; also, in subsequent stages of judicial hearings, it is more difficult and more complicated to get three men together at one time and place than it is to call on one man. These are the considerations which strike me on the other side; and I would adopt the attitude of the Select Committee and say that we are perfectly willing to leave the matter to the decision of the Council."

The Hon'ble Rai Debender Chunder Ghose Bahadur said :—

"My Lord, as I gather from the Hon'ble Sir Henry Wheeler, he is not keen about retaining a provision as regards the constitution of the union bench and leaves it to the decision of this Council. As the Hon'ble Member has said there is much to be said in favour of the collective wisdom of a body of men than the judgment of a single individual, and as the members of the union bench are not likely always to be men of judicial experience it is better to put 2 or 3 — 3 would be preferable—on the bench, and as regards the difficulty in securing the requisite number, I think if we find three persons suitable for the union board they might as well serve on the union bench, or if there be any such difficulty we need not have the bench at all. The safest thing is to have three persons on the bench, and I would, therefore, support the Hon'ble Babu Akhil Chandra Datta's amendment."

The Hon'ble Rai Mahendra Chandra Mitra Bahadur said :—

"My Lord, I have a similar motion in which I suggest that the words 'at least three' be substituted for the words 'any of the'. My reason is that such a kind of trial is like a trial by jury, and we therefore ought to have not one member but at least three. If we take two, the decision will be unsatisfactory, in case of difference of opinion. If we take at least three, the decision of the jury will be satisfactory. So my Lord, if a bench is to be formed, as the language of the clause is, then a bench consisting of one gentleman will not be satisfactory. It is, therefore, necessary that due attention should be given, I submit respectfully, to the suggestion which I have put before the Council. My Lord, if it be argued on the other hand that competent men to form the bench are not available, then, I submit respectfully that the whole scope of the Bill will be frustrated. It is with this view that we put before the Council that men of educational qualification should come to the bench. Being a mufassal man, I am sensible of the fact that there may be places where this difficulty will arise, but in that case it is necessary to see whether such a bench can be formed or not. If such a bench cannot be formed, then, I submit the bench of one man will not be sufficient for the purpose and the whole idea will be imperfect. It is with this view perhaps that the framers of the Bill thought it necessary to put in it the elastic expression 'or any'. But, my Lord, if the object of Government be that in every union a bench is to be formed, it will be necessary to strengthen the body of the members of the board. How can that be done? I submit that if the villagers are to depend upon the decision of one man, it will be far better to go to the munsif and to have a decision from him—a trained lawyer. If we are to depend upon the decision and judgment of a man who is an untrained lawyer and not cognisant of the principles of law, depending solely upon his own common-sense, the judgment of such a man will be unsatisfactory whatever it may be. I, therefore, submit respectfully that the Council will consider the desirability of having such an expression as 'at least three'."

*The Bengal Village Self-Government Bill, 1919.**Mr. Hart; Babu A. C. Datta.***The Hon'ble Mr. Hart said :—**

"My Lord, may I rise just to explain why I am unable to vote for this amendment. I did not rise to speak before because I thought that the Hon'ble Babu Kishori Mohun Chaudhuri would move his amendment (No. 172). I wish to point out to this Council that in the practical working of union benches there would be considerable difficulty in securing a quorum of three. The ordinary practice in the mufassal is for a bench of honorary magistrates to be constituted of two members; and unfortunately a great deal of delay occurs in the trial of honorary magistrates' cases, owing to the fact that the two members who start a particular case can be very seldom got together on the subsequent days to which the case may be adjourned. In the case of union benches, it is very desirable that the case should be tried and disposed of in one day; but sometimes that will be impossible. Difficult as it is to reassemble a bench of two, the difficulty with a bench of three will be far greater, and if we are now to insist that at least the same three members of the bench who begin the hearing of the case must hear it right through to the end, it will result in very great delay and trouble to the parties concerned. For this reason, I am unable to vote for anything more than a bench constituted of *two* members. I may say that in other provinces the same difficulty has been experienced and I may be permitted to quote one instance. In the Report of Civil Justice in the Punjab for 1916, the following occurs :—

'At present, there are no honorary civil benches in the province, the main obstacle to their constitution being the direction in section 28 (2) of the Punjab Civil Courts Act, that such benches must consist of an uneven number of members. In practice, it has been found impossible to get three or five men to meet. There seems to be no reason why two members should not form an efficient and popular tribunal.'

With this opinion, I think that most practical men, who have had experience of village life, will agree. I should like, however, just to allude to the reasons why the Bill contains the provision for a single member constituting a bench. We have, even at the present time, on certain union committees, retired members of the provincial, judicial and executive services, such as retired munsifs and subordinate judges and retired deputy magistrates; and it was thought by the framers of the Bill that where the services of such men were available, the villagers would be very pleased to take advantage of them by having them invested with single-sitting powers. However, if the Council desires that a bench should never be constituted of one member only, I do not think that there would be very much objection to a second member being always associated with him. This arrangement would have the advantage that the other member would get the experience of legal work which the retired officer would be able to give him; while on the other hand, the retired officer would gain by being associated with a colleague who would probably have more knowledge of local affairs and a clear understanding of local conditions. For these reasons, I should see no objection to a minimum quorum of *two*; but a minimum quorum of *three* is, I think, a proposal so impracticable that if it were carried we shall not be able to get the union benches to work. In order that this Bill may not be a dead letter, I must vote against the amendment as it stands 'at present'."

The Hon'ble Babu Akhil Chandra Datta said :—

"My Lord, I am quite prepared to accept the proposal of the Hon'ble Mr. Hart, about two members forming a bench; but there may be a difficulty in the event of disagreement of the two members."

*The Bengal Village Self-Government Bill, 1919.**Mr. Hart; Babu A. C. Datta; Sir H. Wheeler; the President.***The Hon'ble Mr. Hart** said:—

"My Lord, may I explain that most benches of honorary magistrates consist of two members and I have never heard of any difficulty of that sort being experienced."

The Hon'ble Babu Akhil Chandra Datta said:—

"Very well, my Lord, I am quite prepared to accept the suggestion of the Hon'ble Mr. Hart, viz., two members constituting the bench."

The Hon'ble Sir Henry Wheeler said:—

"I have no objection."

The motion was then put in the following amended form and agreed to:—

That for the words "all or any" in line 3 of clause 74 (now clause 65), the words "any two or more" be substituted.

The following motions were then deemed to be withdrawn:—

The Hon'ble Rai Mahendra Chandra Mitra Bahadur to move that for the words "any of the" in line 3 of clause 74, (now clause 65), the words "at least three" be substituted.

The Hon'ble Babu Kishori Mohan Chaudhuri to move that for the word "any" in line 3 of clause 74 (now clause 65), the words "at least three" be substituted.

AMENDMENTS Nos. 173 and 174.**The President** said:—

"Items No. 173 falls to the ground and I think that No. 174 necessarily fails because the Council have just decided that the bench may be constituted of two members. By this motion (No. 174) the Hon'ble Member wishes to say that it must not be less than three; and that would, I think, be contrary to the decision which the Council have just come to."

Amendment No. 173 was as follows:—

The Hon'ble Babu Ambika Charan Mazumdar to move that for the word "any", in line 3 of clause 74 (now clause 65), the words "as many" be substituted, and after the word "board", in line 4 of the same clause, the words "as may be necessary" be inserted.

Amendment No. 174 was as follows:—

The Hon'ble Babu Ambika Charan Mazumdar to move that the following be added to clause 74 (now clause 65), namely:—

"Provided that not less than three of such members must sit together for the trial of a case, and they shall serve in such rotations and for such periods at a time as may be fixed by rules prescribed under section 111, and in accordance with rosters prepared by the District Magistrate for each union bench."

*The Bengal Village Self-Government Bill, 1919.**Babu A. C. Mazumdar; Sir H. Wheeler.***The Hon'ble Babu Ambika Charan Mazumdar** said :—

"My Lord, I might abide by the decision of the Council on the previous amendment and might move that not less than two of such members must sit together and so on."

The amendment was then amended by the substitution of the word "two" for the word "three".

The Hon'ble Babu Ambika Charan Mazumdar (continuing) said :—

"My object in moving this is simply this: that in all probability Government will take care to appoint more than two persons to be magistrates of a bench, but then the functions of the bench should not be confined to any two for any length of time, or at all events for the term of their office. It may be a very unpleasant information to this Council, but truth must be said in a matter of this description. One of the most important features of this Bill is the constitution of a criminal bench and a civil bench in connection with union boards and it should be the utmost effort of Government to make these courts, whether civil or criminal, to be above suspicion. Now, if any two members are required to form the bench or the court for any length of time, there is the grave danger of their losing the confidence of the public. In the villages there are factions and consequently it is necessary that there should be changes of these benches at intervals. This can only be effected by rules of Government saying that for one quarter there must be two and for the next quarter another two, and there should be rosters prepared by the district magistrate as are prepared by him in the cases of benches of honorary magistrates, so that there may not be any fixity of the persons who are to try these cases: that will be a safeguard against these corruptions. I may tell this for the information of the Hon'ble Members of this Council that something has been said about honorary magistrates, but I should like to say that outside Calcutta honorary magistrates are not above suspicion. In fact, we who practise in the mufassal are fully aware that applications are very frequently made to magistrates to transfer a case from an honorary magistrate to a stipendiary magistrate. These things are being experienced and I do not think I am saying too much that this fact is even known to some of the district officers, and I think we should take steps in the present case not to allow the honorary magistrates, as they may be called bench magistrates in this case, to have any opportunity of being vitiated in their judgment and in their conduct, and I therefore earnestly hope that their service should be by rotation and in accordance with such rosters as may be prepared by the district magistrate. There is considerable danger of having permanent benches of one, two or more persons and that would be a safeguard against corruptions. There is party feeling, party factions, and they ought to be also guarded. I think if the system suggested in my amendment is accepted it will command public faith. As 'two' has been accepted by the Council I need not press for more."

The Hon'ble Sir Henry Wheeler said :—

"Sir, there are two points involved in this amendment. In the first place the Hon'ble Mover apparently wishes to ensure that the quorum of the bench should in no case be less than two, but this seems almost to follow from the amendment which has just been accepted to the effect that the local Government may appoint 'any two or more' members to form a bench. It would scarcely seem consistent with that provision to constitute a quorum

*The Bengal Village Self-Government Bill, 1919.**Sir D. P. Sarbadhikari ; Babu M. N. Ray.*

of one. I doubt, therefore, whether the first part of the amendment is not already covered by the previous decision, and, if so, it is unnecessary. Also it could be rendered unnecessary by rules to be framed under section 111(g), which gives the local Government power to prescribe the method of forming a quorum. The local Government could easily say that the quorum shall not be less than two, and in the light of the discussion of to-day, I have no doubt that the local Government would adopt that line.

The second part of the amendment is, I think, open to objection on the ground that it is seeking an elaboration which will render the working of these village benches impossible. The whole idea of the village bench is that it shall be a small body, called together on a local complaint, to dispose of that complaint by simple methods and without the complications which attend proceedings in the ordinary courts. If that is the intention of the Bill, it will be entirely frustrated if we are to require these small village tribunals to serve by rotation and at such periods of time as may be prescribed by rules and in accordance with rosters to be prepared by the district magistrate. That is a procedure which is entirely inappropriate in the case of union benches, and it is inconsistent with the objects which it is intended that these benches should fulfil. Therefore I would oppose that part of the amendment on these grounds."

The Hon'ble Sir Deba Prasad Sarbadhikari said :—

"My Lord, clause 74 (now clause 65) of the Bill seeks to appoint a bench and not a panel of men; a bench can only be a bench. Therefore, the question raised in the amendment does not really arise."

The Hon'ble Babu Mahendra Nath Ray said :—

"My Lord, I entirely agree with Sir Henry Wheeler that the elaborate procedure suggested in this amendment will frustrate the very object of the Bill. A union board will usually consist of members of not less than six and not more than nine. The local Government will select some of the members of the union board and appoint a bench, the number may be 2, 3, and I do not think it will be more than 4 generally. It is therefore desirable that when a bench consists of 2, 3, or 4 members they should all meet, and, as has been pointed out by the Hon'ble Mr. Hart, it is difficult to get all the four men together. Therefore no question of the members of the bench working by rotation can possibly arise. It is only in districts where the number of honorary magistrates is very large, say 20 or exceeds 20, that the procedure suggested by this amendment is followed. Surely such an elaborate procedure will be out of place in regard to union benches consisting generally of 2 to 4 members. Another reason has been suggested which I am glad the Hon'ble Sir Henry Wheeler has not referred to, but which I am bound to refer to. Opinion has been expressed that if some members of the union bench are allowed to sit together without rotation, the fact that they sit together as members of the union board for a pretty length of time would affect their integrity and honesty. I am very sorry to hear such remarks made by my hon'ble friend who, I believe, represents one party of constitutional reform in this country. If a representative of those parties would come forward and tell us in Council that the representatives of the people in a board like the union board—because they are generally representatives of the people—run the risk of becoming dishonest if only they have got to do their

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work without adequate interruption or intermission, I am afraid the enemies of constitutional reforms will make a very strong case against all such reforms. I am very sorry to hear such remarks made, especially because, although I do not belong to any strong political party, my own experience as a mufassal man who has to deal with a large number of honorary magistrates belies the very sad experience of my learned friend. I do not desire to discuss these matters which are very painful matters, and I hope the Council will reject this amendment."

The Hon'ble Rai Radha Charan Pal Bahadur said :—

"My Lord, following the Hon'ble Sir Deba Prasad Sarbadhikari, although I am opposing the motion, I rise to speak—and to speak for one special reason, and that is to dissociate myself, with the utmost emphasis at my command, from the observations made by the Hon'ble Babu Ambika Charan Mazumdar. The stalwart champion of reform and of the rights and privileges of his countrymen now comes forward on the eve of constitutional reforms to denounce his countrymen as unfit for the most elementary administration of justice in the most advanced Presidency of India. I must say that the work of the honorary magistrates as a whole in this Presidency has been one which has merited approbation not only from the Government but from the people.

Then, my Lord, coming to the merits of the resolution itself, I fully associate myself with the observations of the Hon'ble Sir Henry Wheeler and the Hon'ble Mr. Hart. From what we know of the comparative backwardness of a considerable portion of our countrymen in the far distant and remote villages, I think it would not be advisable to make such an elaborate procedure for benches by routine, etc., as there may be many places in the mufassal where the requisite number of capable men may not be found. For these reasons, I think, that it will be well to reject this amendment."

The Hon'ble Babu Ambika Charan Mazumdar said :—

"My Lord, it has given my friends to the right no more pain to hear me say something about honorary magistrates than their expression has given me. I know abuse is no argument, and I must say that I may belong to one political party in this country from which many of my friends are perfectly free. It may be that I have always in my life strongly advocated for reforms, but I do not belong to that class of advocates of reforms who would not speak the truth when it is necessary to be said in order to rectify an abuse in the administration. That because I have advocated and I still advocate reforms in this country and therefore I am bound to say that there is no corruption and everybody in the country is a saint and no institution can be tainted—that is not my position and that is not a position which I have at any time assumed nor I hope shall I assume till I am removed from this world. On the contrary I will press the defects of any system, the defects in the constitution of our social organism and so forth and try to remedy them as far as practicable. If there is any Reform Scheme coming and at the supreme moment I say that there is corruption in some parts of the country, therefore the Reform Scheme will be thrown out is a proposition which may be advanced by men who are perfectly unconcerned with political agitation, but that is not a position which I can ever assume or think of. The thing is that fact is fact. I have said that I know something about the work of honorary magistrates in the mufassal, but I do not cast any reflection on the honesty or integrity of the honorary magistrates of Calcutta, but I know that the

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honorary magistrates in the mufassal are not free from suspicion. If that is a truth then I am entitled to speak without any fear of the Reform Scheme being wrecked on that account. Well, it may be that the experience of my hon'ble friend living at Howrah may be different, but if anybody is to give his honest opinion and says that there are corruptions and that a man utters the word corruption is sufficient to abuse him and throw him out of his political creed and political party. Well, that is a position which I cannot appreciate. However, I have said that the procedure will not be at all elaborate. The thing is, as my hon'ble friend, Babu Mahendra Nath Ray, has told us, that the number of magistrates vested with criminal powers will not be many. Of course, in a union there may be six or nine members. My idea is that Government may vest magisterial powers upon all the members of the board and then ask them to serve by rotation or according to the roster prepared by the District Magistrate—in fact by permutation and combination. Different sets of magistrates may serve in different quarters in the year. However, I have placed this amendment, whether it is elaborate or not I don't know. My object is to improve and purify these benches so as to make them such as to command public confidence and respect. Some of the hon'ble members have criticized my amendment and they are, of course, perfectly entitled to their own opinion."

The motion was then put and lost.

AMENDMENT No. 175.*Clause 78.*

The Hon'ble Babu Akhil Chandra Datta moved that the words "or, if in the opinion of the bench, he shows negligence in prosecuting his case", in lines 2, 3 and 4 of clause 78 (now clause 69) be omitted.

He said :

"My Lord, clause 78 (now clause 69) relates to the dismissal of a case for default before a union bench. Now it appears to me that this provision is very vague and ill-defined. The words are 'if in the opinion of the bench he shows negligence in prosecuting his case'. Now, negligence may be considered differently by different persons and on a flimsy excuse a case may be struck off for default. Not to speak of these union benches, even in munsifs' and sub-judges' courts and, I am sorry to say, even in sessions courts cases are sometimes struck off on flimsy excuses. For instance, if there is a case fixed for a certain day and for some unforeseen reasons the case is adjourned to another day and other cases are called upon the parties to which do not appear, those cases are struck off without giving the parties an opportunity to appear. If this can happen in a responsible court, I am afraid it would be giving a very wide power to the union bench if these words are not omitted from the clause."

The Hon'ble Mr. Duval said :—

"My Lord, on behalf of Government I oppose this amendment. In many cases tried under the Criminal Procedure Code if the complainant neglects to pay court-fees, and similarly if he does not produce his witnesses or takes the proper action to get them summoned, the case can be summarily decided in their absence. Cases tried by these benches cannot be allowed to

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hang on indefinitely owing to the negligence of the complainant. With reference to the remarks of the Hon'ble Mover, and as to his fears that the benches might dismiss cases without sufficient cause, I would point out that that purpose will be protected by the provision which has been laid down in a subsequent clause as to the revision by the district magistrate or sub-divisional officer against any unfair dismissal of cases. I urge that the clause should remain as it stands."

The Hon'ble Babu Akhil Chandra Datta said :—

"If a certain party after being notified does not take the trouble of making an appearance then, of course, it is a fit case for dismissal. But my only objection is that the provision is very vague and ill-defined. Supposing a man has a case before the union court and supposing that for some reasons over which he has no control the case is delayed for ten or fifteen months, will it be considered as negligence in prosecuting the case? If what is to be considered as negligence is specifically mentioned there can be no complaint. What I fear is that this provision is of an extremely vague character."

The motion was then put and lost.

AMENDMENT No. 176.*Clause 80.*

The Hon'ble Rai Radha Charan Pal Bahadur moved that for the proviso to clause 80 (now clause 71) the following be substituted, namely :—

"Provided that the district magistrate or sub-divisional magistrate may, of his own motion, or on the application of the parties concerned, cancel or modify any decision or order of a union bench or direct the re-trial of any case by a court of competent jurisdiction subordinate to him."

He said :—

"My Lord, clause 80 (now clause 71) bars an appeal from or a revision of the order of the union bench and only provides for a re-trial. But I think that some sort of revision of jurisdiction should be vested in the district magistrate as a check upon any possible failure of justice or vagaries on the part of the union bench. On an inquiry the district magistrate may modify or cancel the order to meet the requirements of a particular case, but if a re-trial is the only remedy it will lead to hardship. In certain cases the parties should be authorized to bring to the notice of the district magistrate instances of failures of justice and the magistrate should be authorized to make an inquiry and cancel or modify the decision of the bench. This may be the intention of the Bill, but it should be made clear. I have explained my object very briefly and I may state that as far as I understand there may be no objection on the part of Government to accept my suggestion."

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"My Lord, in order to explain the justification of the clause of the Bill as framed, we have to remember the kind of benches which it was sought to set up under the Bill, and the District Administration Committee gave a good summary of the opinion of the Decentralisation Commission which, I think, affords a clear description of the purposes of these courts. They said :—

"The (Decentralisation) Commission contemplated a system of village courts of equity, which would be freed from the observance of complicated rules of evidence and the technicalities of the ordinary legal procedure and would bring to bear on cases before them their own intimate acquaintance with village sentiment and their local knowledge of the facts. The primary objects of these village courts was not to afford relief to the regular tribunals. They were partly designed to give petty litigants the opportunity, if they wished to avail themselves of it, of settling their disputes by a simple and inexpensive procedure near their homes, but their main purpose was educative, to develop the sense of communal responsibility within the union, and to teach the people to manage the affairs of their own villages. At the same time, it was hoped that the creation of these village courts would enhance the influence of the panchayats and strengthen and encourage them in the performance of their other duties, thus gradually paving the way to the exercise by them of higher powers."

That was the underlying sentiment when the proposal for these courts was mooted, and it follows that it is desirable to keep all matters relating to the procedure applicable to them as simple as possible. It was in pursuance of that idea that the right of appeal and revision was barred. But, on the other hand, it was thought that cases might be brought to the notice of the district magistrate and the sub-divisional officer in which a serious failure of justice had occurred which would require to be set right. Of course, an ordinary appellate court cannot only set aside an order, but can modify it, but when this Bill was framed it was thought that the procedure of the original union bench having been very simple, and there being no record, it would be difficult for the district magistrate or the sub-divisional officer to do more than say that the case must be heard over again. He could say that he was satisfied that the order passed was wrong, but he might not be in a position to pass a correct order, and would therefore have to direct the case to be sent back and be re-tried. As against that system, the arguments that have been used by the Hon'ble Rai Radha Charan Pal Bahadur are not without weight. It does seem rather hard to say that even if the district magistrate or sub-divisional officer is satisfied that a man has been unfairly convicted, he cannot remedy the justice, but that all he can do is to put the man to the trouble of a second trial. That is a defect, and I would accept that line of argument as justifying a modification of the clause on the lines proposed in this amendment. I think, however, its wording can be improved upon because we want to make it clear that the right to cancel or modify a decision would not enable the district magistrate or sub-divisional officer to convict a man who had been acquitted. That is neither desirable nor is it probably intended by the Hon'ble Member. I would also like to keep that portion of the existing clause which the Hon'ble Member has omitted, namely, 'if satisfied that a failure of justice has occurred'. That is to emphasise the point that action should be taken only in the event of a failure of justice, and not on technical irregularities which might justify intervention by an ordinary appellate court. If, therefore, the Hon'ble Member will word his amendment in this form, I would be prepared to accept it :—

'Provided that the district magistrate or sub-divisional magistrate, if satisfied that a failure of justice has occurred, may, of his own motion, or on the application of the parties concerned, cancel or modify any order of conviction or of compensation made by a union bench, or direct the retrial of any case by a court of competent jurisdiction subordinate to him.'

*The Bengal Village Self-Government Bill, 1919.**Rai Radha Charan Pal Bahadur; Mr. Duval.***The Hon'ble Rai Radha Charan Pal Bahadur said :—**

"I am thankful to the Hon'ble Member for accepting my amendment although in a modified form."

The motion was then put in the amended form and agreed to.

AMENDMENT Nos. 177-80.

The following motions were covered by the decision on previous motions and were deemed to be withdrawn :—

The Hon'ble Babu Akhil Chandra Datta to move that for the words 'cancel any decision or order of a union bench and', in lines 3 and 4 of the proviso to clause 80 (now clause 71), the words 'uphold, reverse or modify any decision or order of a union bench, or' be substituted.

The Hon'ble Babu Surendra Nath Ray to move that after the words 'subdivisional magistrate' in lines 1 and 2 of the proviso to clause 80 (now clause 71), the words 'court of sessions or the High Court', be inserted: and for the words 'and direct the retrial of any case by a court of competent jurisdiction subordinate to him', in lines 4 to 6 of the same proviso, the words 'or pass such orders as the magistrate or court thinks fit and proper'.. be substituted.

The Hon'ble Babu Akhil Chandra Datta to move that for the words 'sub-divisional magistrate' in lines 1 and 2 of the proviso to clause 80 (now clause 71), the words 'sessions judge', be substituted.

The Hon'ble Babu Kishori Mohan Chaudhuri to move that for the words "district magistrate or subdivisional magistrate" in lines 1 and 2 of the proviso to clause 80 (now clause 71), the words "sessions judge, additional sessions judge or assistant sessions judge" be substituted.

AMENDMENT No. 181.

The Hon'ble Mr. H. P. Duval, in the absence of the **Hon'ble Babu Surendra Nath Ray**, moved that the words "nor shall any application in revision be entertained by any court in respect of any order passed by such bench" in lines 4 to 6 of clause 80 (now clause 71), be omitted.

He said :—

"My Lord, now that we have provided by a previous amendment for revisionary powers of district magistrates and subdivisional officers, these words 'nor shall any application in revision be entertained by any court in respect of any order passed by such bench' in clause 80 (now clause 71), appear to be superfluous. I therefore move that they may be omitted."

The motion was put and agreed to.

AMENDMENT No. 182.

The following motion stood in the name of the **Hon'ble Babu Ambika Charan Mazumdar** :—

That before the word "failure" in line 2 of the proviso to clause 80 (now clause 71), the word "grave" be inserted.

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He said :—

“ My Lord, do I understand that 182 goes out also ? ”

The President said :—

“ The Council have just decided that a certain form of words is to be substituted for the proviso which appears in the Bill as drafted. That being so, it is not open to the Council to go back and alter the form of the words just adopted. Therefore it is out of order because the Council have just decided to insert the words which were contained in the amendment moved by the Hon'ble Rai Radha Charan Pal Bahadur. The Council having once decided that these are the words which are to be inserted in the Act, they cannot now proceed to make further alterations.”

The motion was then deemed to be withdrawn.

AMENDMENT No. 183.

The Hon'ble Rai Mahendra Chandra Mitra Bahadur moved that after the words “ in writing ” in line 2 of sub-clause (1) of clause 81 (now clause 72), the words embodying the substance of the evidence ” be inserted.

He said :—

“ My Lord, as the trial is a small one, and as we notice that there is no appeal, therefore, the Council has to consider whether the substance of the evidence has to be omitted or not. When the District Magistrate is required to consider the decision of the bench, he will not have any material and therefore it is highly necessary that the substance of the evidence should be recorded in the decision, the simple order of dismissal or conviction will not be sufficient. Even if revisionary powers are given to the Magistrate, still in order to see whether there is a failure of justice or not, he must see whether there is evidence in connection with the alleged offence. Therefore, my humble submission is that the decision should embody the substance of the evidence. Referring to the mode of trial in the ordinary criminal court, we have got two sections, 263 and 264. In section 264 there is an appeal, and it is there laid down that the substance of the evidence is to be embodied. In section 263 of the Criminal Procedure Code, there is nothing about it, but the reasons are to be stated therein. We find that if there be simply a decision on the point, it will not be sufficient but the reasons are to be given. Consequently it is necessary that the evidence is to be embodied. I do not find in the Bill whether evidence is to be recorded or not. If the Bill is silent upon that point, it is highly necessary that some indication should be given for recording of evidence against the offender. I find further that there is no definition of the word ‘ decision ’ in the definition clause. The Hon'ble Members of this Council are aware of the fact that the word ‘ judgment ’ is not also mentioned in the Bill, consequently reasons ought to be given for decisions, and if reasons are given they must be based upon some evidence. If we refer to clause 94 (now clause 86) of the Bill, we find that when the parties or their agents have been heard, and all the evidence on both sides considered, the union court shall by written order pass such a decree This shows that in simple cases, evidence is to be taken and considered on both sides by the union courts. We do not find anything in clause 81 (now clause 72) to this effect. I presume, therefore, that evidence will be allowed, and if evidence may be allowed then in that case it is necessary that the decision should embody the substance of evidence.”

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The Hon'ble Sir Henry Wheeler said :—

"My Lord, I object to this amendment on the ground that it is contrary to the intention with which these courts were created. They were meant to be, as I have said before, simple courts, and the whole of the idea underlying their constitution could probably be summed up by saying that they were meant to dispose of cases according to justice, equity and good conscience. It is particularly desired that they should be freed from technicalities of procedure and that they should not become merely an inferior edition of existing tribunals. Therefore, Sir, it was outside the intention of their constitution that they should compile records and write judgments. Of course they were meant to hear evidence, but I do not agree with the Hon'ble Member when he argues that clause 94 (now clause 86) means that evidence must be recorded. The idea was that parties should come before the bench, bring their witnesses, and have their say, and that the bench should then give their decision. This amendment goes beyond that, and says that the bench should give reasons, which means a record and all the procedure of an ordinary court. For that reason I oppose the amendment."

The Hon'ble Rai Debender Chunder Ghose Bahadur said :—

"My Lord, I am sorry I cannot support the Hon'ble Mover in this matter. Having been trained in a city bar, my hon'ble friend finds it difficult to disassociate himself from the methods of the Criminal Procedure Code and he says that if a trial has to take place in any criminal court, the procedure of the Criminal Procedure Code should apply to such trials. The curse of legal procedure in this country is that it is expensive and dilatory and as it would appear, it is not only a curse but that it brings on all interested, a lot of inconvenience. But the proposed courts are meant to be cheap and expeditious, and to secure a sort of rough justice. You cannot have evidence recorded, and if you are going to do that, there will be no end to these trials, and the question will arise whether the evidence has been properly recorded or not. I think, looking at the matter from both sides, the balance of convenience is that the provisions of the Bill should be maintained as they are."

The Hon'ble Rai Mahendra Chandra Mitra Bahadur said :—

"My Lord, I am surprised to hear that if a person's liberty be taken away, or if a person be convicted, no evidence should be recorded. If the scope of the Bill be that the evidence is to be taken, is it not necessary that some such note should be taken of the evidence that has been adduced against the offender. Here is a man charged with committing an offence. There must be some proof before a conviction is made, and when there is a decision on the matter under issue is it not fair and just that there should be some evidence, and if there be that evidence, is it not fair for me to contend before the Council, that a note should be recorded of such evidence and the decision? Certainly I am familiar with the procedure of law in criminal courts, but making the present Bill as simple as possible, there ought not to be any difficulty in providing for taking note of the evidence and the decisions. I do not contend that the evidence is to be recorded as in a regular trial, but I contend that a note of the evidence should be taken, otherwise it will be very difficult for the District Magistrate to consider what materials there were for the conviction, or for acquittal. How can the District Magistrate come to a conclusion whether there is a failure of justice or not; simply the writing down of the decision will not be a satisfactory procedure, and, therefore I press this amendment to the consideration of the Council."

The motion was then put and lost.

*The Bengal Village Self-Government Bill, 1919.**Babu Akhil Chandra Datta; The President; Sir Henry Wheeler.***AMENDMENTS Nos. 184 and 185.**

The following motions were, by leave of the President, withdrawn :—

The Hon'ble Babu Akhil Chandra Datta to move that for the words "twenty-five rupees" in lines 3 and 4 of sub-clause (1) of clause 81 (now clause 72), the words "fifty rupees" be substituted.

The Hon'ble Babu Akhil Chandra Datta to move that for the words "seven days" in the last line of sub-clause (1) of clause 81 (now clause 72), the words "fifteen days" be substituted.

AMENDMENTS Nos. 186 and 187.

The Hon'ble Babu Akhil Chandra Datta moved that for the words "all or any" in line 3 of clause 82 (now clause 73), the words "any three or more," be substituted.

He said :—

"My Lord, a similar point in respect to the position of the union bench has already been decided by the Council. May I take the liberty of suggesting that a similar modification be made with respect to this clause also."

The President said :—

"I would suggest that the Hon'ble Member should move his amendment in the form in which a somewhat similar one was accepted before, that is to say, "any two or more."

The Hon'ble Sir Henry Wheeler said :—

"The arguments are the same as in the case of benches, and I would accept the amendment in its modified form."

The motion was put in its modified form and agreed to.

The following motion was then deemed to be withdrawn :—

The Hon'ble Babu Kishori Mohan Chaudhuri to move that for the word "any" in line 3 of clause 82 (now clause 73), the words "at least three," be substituted.

AMENDMENTS Nos. 188—190.

The following motions were, by leave of the President, withdrawn, viz. :—

The Hon'ble Babu Ambika Charan Mazumdar to move that for the word "any" in line 3 of clause 82 (now clause 73), the words "as many" be substituted; and after the word "board," in the same line, the words "as may be necessary" be inserted.

Also to move that the following be added to clause 82 (now clause 73), namely :—

"Provided that not less than three of such members must sit together for the trial of a suit, and they shall serve in such rotations and for such periods at a time as may be fixed by rules prescribed under section 111, and in accordance with rosters prepared by the district judge for each union court."

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The Hon'ble Babu Kishori Mohan Chaudhuri to move that for the words "two hundred" in lines 15 and 16 of clause 83 (now clause 74), the word "fifty" be substituted.

AMENDMENT No. 191.

The Hon'ble Babu Ambika Charan Mazumdar moved that the word "or" at the end of sub-clause (5) of clause 84 (now clause 75), be omitted ; and at the end of sub-clause (6) of the same clause the following be added, namely :—

"or

- (7) for the specific performance of any contract, or for the establishment of any right or title to any land or water, or for any right-of-way or other easement in any land or water."

He said :—

"My Lord, in clause 83 (now clause 74) of the Bill the nature of suits that will be entertained by the union courts has been provided. They are suits for money due on contract, suits for the recovery of movable property or the value of such property ; and suits for compensation for wrongful detention or injury to the movable property and then follows something else. Clause 84 (now clause 75) of the Bill provides that no suits shall lie in any union courts and then the nature of the suits is specified. My amendment is that at the end of the clause 84 (now clause 75) of the Bill as it stands the following be inserted, namely :—

"or

- (7) for the specific performance of any contract or for the establishment of any right or title to any land or water, or for any right-of-way or other easement in any land or water."

If clause 83 (now clause 74) stood as it had been framed and then clause 84 (now clause 75) negating the power of the union board had not been introduced, it would not have been necessary for me to move this amendment. In the first place, we have in clause 83 (now clause 74) stated the nature of the suits which can be brought into the union courts ; and then in clause 83 (now clause 74), we have specified what classes of suits shall not be entertained by the union courts. If we are to specify what classes of cases shall not be cognizable in union courts, I think the list would be exhaustive. I think it was not the intention of the Select Committee to allow suits for specific performance of contract—by which I mean specific performance under the Specific Relief Act, or suits of title or easement to lie in such courts. These are very difficult and complicated matters, and I think it is not the intention of the legislature that they should be entertained in these which will not be held by very experienced lawyers. We have, of course, said that they shall try certain class of cases. If the word "or" at the end of sub-clause (5) of clause 84 (now clause 75), be omitted and in clause 84 (now clause 75), we mentioned certain class of cases which ought not to be within the cognizance of these courts, I think the clause should be made exhaustive by including title suits and suits for easement and so forth, and also suits for specific performance of the contract under the Specific Relief Act.

The Hon'ble Mr. Duval said :—

"My Lord, clause 83 (now clause 74), of the Bill lays down that the village courts shall only try petty suits for money and simple matters of tort such as are of the nature of cases triable by the present mafussil Small Cause Courts. Then in clause 84 (now clause 75), mainly following the precedents of the Small Cause Court procedure in the mafussil we exclude from the cognizance of the village.

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courts certain class of suits for money such as suits arising on bonds of mortgage, suits in connection with partnership, suits of inheritance and suits for legacies. We also exclude certain number of cases on the ground that they are brought either against Government or against certain classes of individuals, such as minors and lunatics. The suits, however, the Hon'ble Member now proposes that we should exclude, are not money suits or simple suits for tort; their suits for the specific performance of contract and suits of easement. I submit, therefore, my Lord, that as clause 83 (now clause 74) only deals as I say, with money suits and simple matter of tort, there is no necessity at all to include the classes of suits which the Hon'ble Member wishes to do, in the exception in clause 84 (now clause 75). For this reason on behalf of the Government I oppose the amendment."

The Hon'ble Rai Debender Chunder Ghose Bahadur said :—

"My Lord, I think there is some little force in the Hon'ble Babu Ambika Charan Mazumdar's statement that the provisions of clause 84 (now clause 75) should not appear inwards as exhaustive of the list of suits which ought not to be brought in the union court. It is difficult to make an exhaustive list of possible suits. If it is intended to show that by the expression 'suits for money due on contracts in clause 83' (now clause 74) suits on contracts of partnership on mortgage, for a share or part of a share, under an intestacy or for a legacy should not be instituted in such a court. I think the better course will be to preface the first line of the clause in this way—'no suit amongst others shall lie in any union court on contracts of partnership, etc. It would remove any contention which might be raised on the ground that this is an exhaustive list of suits which ought not to be brought here, though we are borrowing the words of the Small Cause Court Act in this Bill.

The Hon'ble Babu Mahendra Nath Ray said :—

"My Lord, I would not have wasted the time of this Council but for the fact that I find two members of my own profession discovering defects in the Bill as it has been drafted. I suppose it was put very clearly that clause 84 (now clause 75) only specifies some classes of suits for money and some classes of suits for immovable property which it is proposed to be excluded. There is therefore absolutely, no defect and to suggest that clause 84 (now clause 75) should be so worded as to run 'no suit shall lie in any union court amongst others' is, I think, quite unnecessary. If exceptions are indicated they must be indicated exhaustively. You cannot say that the list of exceptions should include (a), (b), (c), etc. As I have said, the point is so very clear that it would be better for the Council not to be guided by the legal opinion but by plain-common sense."

The Hon'ble Rai Mahendra Chandra Mitra Bahadur said :—

"My Lord, I beg to submit a few words in this connection. It appears that the Hon'ble Babu Ambika Charan Mazumdar wishes that suits for the specific purpose of any contract, or for the establishment of any right or title to any land or water, or for any right-of-way or other easement in any land or water to be included in clause 84 (now clause 75). There is some difficulty which I feel just now. In suits for the specific performance of contract, there is always a prayer for damages and my hon'ble friend Babu Mahendra Nath Ray will agree with me. Now, therefore, in order to make matters as clear as day light it is necessary to state that suits for specific performance of contract will not lie in the union court and so I cannot support my friend the Hon'ble Babu Ambika Charan Mazumdar in enunciating the whole proposition which he has put forward in his amendment. But as I have submitted, my difficulty

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lies here—that if simply we include in clause 83 (now clause 74) suits for compensation for wrongfully taking or injuring movable property, that shows that suits for damages of a certain class but are we to understand that suits for damages will not be instituted with reference to suits for compensation for specific performance of contract, then I submit that my friend, the Hon'ble Babu Ambika Charan Mazumdar, is wrong. But we can understand very well the object of clause 83 (now clause 74) and the object of clause 84 (now clause 75)—one is inclusion and the other is exclusion. So there will be no difficulty about them."

The Hon'ble Babu Ambika Charan Mazumdar said:—

"My Lord, I have fully understood the arguments of the Hon'ble Mr. Duval but I am not sure that he has understood my difficulty. In clause 83 (now clause 74) we specify the classes of suits that will be cognizable in these courts. If the Bill had ended there, there would have been no difficulty at all; that is to say that we all know that beyond the classes of suits mentioned in clause 83 (now clause 74) no other suits shall be entertained in these courts. But in clause 84 (now clause 75) we introduce certain cases which we say shall not be tried by them. The main difficulty arises because you say in clause 84 (now clause 75) what suits shall not be entertained by these courts then the only question I would put to the Hon'ble Members of the Council is:—is it or is it not our intention to invest these courts with power of dealing with title-suits? If the answer is in the negative then is not clause 84 (now clause 75) an element of doubt? But here it is said that the union court shall have a concurrent jurisdiction to try the following classes of suits. Are we or are we not going to exclude the question of assessment from the cognizance of these courts which are very difficult? If that is our intention in one section we say that they shall try these suits and in the subsequent section we say that they shall not try these suits. Then that section should be exhaustive otherwise doubt may arise whether suits for land will not be cognizable by these courts. Therefore I have suggested if we leave clause 83 (now clause 74) as it stands without clause 84 (now clause 75) there will be no difficulty at all, but if we introduce clause 84 (now clause 75) and also mention that certain classes of suits shall not be entertained by these courts, in that case we should also include those classes of cases, viz., those of title and assessment, etc., which it is our intention not to include amongst the classes of cases to be tried by these courts."

The Hon'ble Sir Henry Wheeler said:—

"My Lord, this is rather a lawyer's argument, and I feel some diffidence in intervening, but what strikes me as a layman, is this; under clause 83 (now clause 74) these courts can only try suits of a specified description, which we may call class A. The amendment says that they shall not try suits of another specified class B; but class B is already excluded from class A, and, therefore, in so far as the powers of these courts will be confined to class A, it is unnecessary specifically to exclude class B, any more than it is necessary to exclude classes C, D or E, which are equally outside class A. Clause 84 (now clause 75) specifies certain circumstances in which suits that may fall in class A will not lie."

The motion was then put and lost.

AMENDMENT No. 192.

The Hon'ble Babu Akhil Chandra Datta said:—

"My Lord, in view of the fate of amendment No. 175 which is almost similar to this amendment No. 192, I should think that no useful purpose

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would be served by pressing this amendment for acceptance. I, therefore, with your Excellency's permission beg to withdraw this amendment."

The motion was then, by leave of the President, withdrawn.

It was as follows :—

The Hon'ble Babu Akhil Chandra Datta to move that the words "or, if in the opinion of the court, he shows negligence in prosecuting his suit," in lines 2, 3 and 4 of clause 88 (now clause 79), be omitted.

AMENDMENT No. 193.

The Hon'ble Babu Ambika Charan Mazumdar moved that after clause 95 (now clause 87), the following be inserted, namely :—

"95A. If the judgment-debtor pays into court the decretal amount, together with the fee payable under section 99 and the costs, if any, within thirty days from the date of the decree, he shall be allowed a remission of ten *per cent.* upon the amount decreed and the decree shall be deemed satisfied upon the payment of the balance :

Provided that no such remission shall apply in the case of an order passed for payment by instalments under section 95, or after the issue of the certificate mentioned in section 102 of this Act."

He said :—

"My Lord, this is a somewhat novel provision which I wish to introduce as a new clause. This clause which I wish to have introduced in this Bill might be misconstrued as one in favour of judgment-debtors, but in point of fact, as far as I am concerned, I am moving it in the interest of creditors, for every one knows that the real difficulty of a plaintiff begins when he obtains the decree. In executing a decree various difficulties arise, the property fails and as the last resort the judgment-debtors go to the insolvency court; so that any one who has practical experience of the difficulty of decree-holders knows that in many cases and I must say in the majority of cases the creditors fail to get anything from the judgment-debtors. Therefore it is my intention to place some inducement before the judgment-debtor to pay the money without much harassment and hence my amendment. It would be I believe some inducement to a judgment-debtor when he sees that he may pay 10 per cent. less of the decretal amount to pay the money into the court without raising much difficulty in the way of the decree-holder, and the decree-holder I believe would be quite satisfied to get Rs. 90. out of Rs. 100, which he has very little chance of recovering through the ordinary process of execution. But I have added two restrictions to this remission, *viz.*, if the judgment-debtor gets a decree by instalments it would be hard to extend such a favour to him, and in the second place if the decree-holder has obtained a certificate of execution through another court such remission ought not to be granted, but before the grant of the decree if the man comes forward to pay the decree-holder the remission of 10 per cent. would be a good inducement to him to do so as it would be as much to the advantage of the decree-holder as it will be to the advantage of the judgment-debtor to pay off something less than what is actually due from him. It is with this view that I move this amendment."

The Hon'ble Mr. Duval said :—

"My Lord, I quite admit that a plaintiff's troubles begin only after he obtains his decree, but it must be remembered that certain decrees are realised in full. Government cannot accept this amendment; it would mean that a debtor no doubt might be induced after decree had been passed against him to

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pay off quickly on the chance of getting a discount of 10 per cent., but it might also be that the debtor might avoid paying a debt and force his creditor to go into the court so as to be able to get a 10 per cent. discount which he could not obtain unless he was sued. On behalf of Government, I would, therefore, oppose this amendment."

The Hon'ble Rai Mahendra Chandra Mitra Bahadur said :—

"My Lord, I heartily support this amendment. My hon'ble friend has perhaps got the idea from the procedure which is laid down in execution of decrees. After sale of immovable property indulgence is shown to the debtor to pay the amount with certain penalties. Now if this procedure is accepted by court, I submit that such indulgence ought to be shown to the debtor at the time when the decree is passed. There will be some delay in realising the amount and if this procedure be in the statutory book this would be something like an inducement to the debtor to pay the amount. I therefore submit that it is for the consideration of the Hon'ble Member whether he would accept this amendment."

The Hon'ble Rai Radha Charan Pal Bahadur said :—

"My Lord, although I did not like to speak, but following the Hon'ble Rai Mahendra Chandra Mitter Bahadur I am rather tempted to speak in opposition to him and the Hon'ble Babu Ambika Charan Mazumdar. What is the matter, my Lord. An agriculturist lends Rs. 100 to another man; the villager finds that he can at the time of payment of that sum get a remission of 10 per cent. if he pays the amount at the court. If the creditor finds that there are some bad debts which he cannot realise in full he can make some *bundabast* and can settle his claim for any amount he likes. But I do not understand why this statutory provision is intended to be inserted in the Bill to enable the court to grant a remission to the person who is bound in all conscience and in all equity to pay back the money which he has borrowed. I do not understand the reasons; of course the trouble begins no doubt in many cases when the decree is passed, but in such cases some mutual *bundabast* may be made. Here under this amendment he will demand in every case a remission of 10 per cent."

The Hon'ble Babu Ambika Charan Mazumdar said :—

"My Lord, for the information of the Hon'ble Mr. Duval I may say that I have considered the aspect which he has referred to.

Ordinarily people make more than 10 per cent. remission. There is hardly any case where the judgment-debtor does not get oftentimes more than 15 to 20 per cent. remission, so that it will not make the position of the decree-holder worse, but rather better. The suits to be brought in these courts would be of the utmost value of Rs. 200; now if a creditor gets Rs. 180 altogether with costs he will thank himself and thank the debtor, but the apprehension that they won't pay amicably and would press a man to court is a mistaken one, because if amicable payment is made it is not 10 per cent. but more than that what is oftentimes allowed."

The motion was then put and lost.

AMENDMENT No. 194.

The Hon'ble Babu Akhil Chandra Datta moved that for the words "cancel the order of the union court and" in lines 2 and 3 of the proviso to clause 96 (now clause 88), the words "uphold, reverse or modify the order of the union court, or" be substituted.

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He said :—

“My Lord, there has been some modification made with respect to the revision of the order of the union bench. The Council has already come to a decision on that point. May I suggest that a similar modification be made with respect to the order of the union court also?”

The Hon'ble Sir Henry Wheeler said :—

“My Lord, the argument is the same both in relation to courts and benches, and as we have accepted the modification in the case of benches, I have no objection to accepting it in this case also. I would only ask that, as there are two amendments on the same point, and as that of the Hon'ble Rai Radha Charan Pal Bahadur (No. 195) happens to be more in conformity with the change as made in connection with benches and with the existing wording of the Act, the Hon'ble Babu Akhil Chandra Datta might withdraw his amendment, and the Hon'ble Rai Radha Charan Pal Bahadur might then move his, which we will accept. The effect will be the same.”

The Hon'ble Babu Akhil Chandra Datta said :—

“I am very glad to withdraw my amendment.”

The motion was then, by leave of the President, withdrawn.

AMENDMENT No. 195.

The Hon'ble Rai Radha Charan Pal Bahadur moved that after the word “cancel”, in line 2 of the proviso to clause 96 (now clause 88), the words “or modify” be inserted; and for the word “and”, in line 3 of the same proviso, the word “or” be substituted.

He said :—

“My Lord, I need not make any speech; it has been fully explained, and I believe the amendment will be accepted.”

The motion was put and agreed to.

AMENDMENT No. 196.

The following motion was deemed to be withdrawn as the Hon'ble Member was absent :—

The Hon'ble Babu Surendra Nath Ray to move that after the words “district judge”, in line 1 of the proviso to clause 96 (now clause 88), the words “or the high court” be inserted; and for the words “and direct a retrial of the suit by the same or any other union court, or by any other court subordinate to him”, in lines 3 to 5 of the same proviso, the words “or pass such order as the judge or court thinks fit and proper” be substituted.

AMENDMENT No. 197.

The Hon'ble Babu Ambika Charan Mazumdar moved that after the word “suit”, in line 2 of the proviso to clause 96 (now clause 88), the words “made within thirty days of the decree of the union court” be inserted.

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He said :—

"My Lord, in moving this amendment I would draw attention to proviso to clause 96 (now clause 88). There is it said—'provided that the district judge, on the application of any party to the suit, cancel the order . . . and so forth. I think there ought to be a limit for such an application, and therefore I propose that after the words 'any party to the suit', the words 'may within thirty days of the decree of the union court' be inserted. It ought not to be left indeterminate. Here the revision comes in through the application of the party to the suit, but the party should not have indefinite time for making such an application. Therefore I move that it should be limited to thirty days."

The Hon'ble Mr. Duval said :—

"On behalf of Government, I accept the amendment."

The motion was put and agreed to.

AMENDMENT No. 198.

The Hon'ble Babu Ambika Charan Mazumdar moved that before the word "failure", in line 6 of the proviso to clause 96 (now clause 88), the words "clear error of law or grave" be inserted.

He said :—

"This also, my Lord, refers to the same proviso with regard to which I have just moved an amendment. The ground there is that the district judge may on the application of any party to a suit cancel an order of the union court and direct a retrial of the suit, by the same or any other union court, or any other court subordinate to him, if he is satisfied that there is a failure of justice. I wish to introduce the words 'clear error of law or grave.' My reason is this: If substantial justice is done by the union court, there should be no interference, and in the second place, I would add the words 'clear error of law'. This comes in because in an earlier clause it has been provided that the union court may throw out a suit on the ground of limitation. My Lord, questions of limitation are often times very difficult to decide, so that I think this addition should be allowed—'clear error of law or grave failure of justice'. If the Judge is satisfied that clear and substantial justice has been done, there ought not to be any interference with the judgment of the court, but if there be a mistake committed by the union court as regards the point of limitation, he should have power of interfering with the judgment. Add:—If the Judge's power of revision be not thus restricted the finality of the decisions of the Union Courts will be a misnomer."

The Hon'ble Mr. Duval said :—

"On behalf of Government, I accept the amendment."

The Hon'ble Rai Radha Charan Pal Bahadur said :—

"My Lord, I was about to rise when the Hon'ble Mr. Duval rose and accepted the amendment. I am afraid I must oppose this amendment. I do not know what the Hon'ble Mover's object is. Here in this provision the framers of the Bill have provided that if the district judge is satisfied that there has been a failure of justice he can take action, but this amendment restricts the discretion of the district judge. The members of the union court are not lawyers, they will deal out simple justice and the suitors themselves will be ordinary simple agriculturists. Then who is to decide whether there has been a clear error of law or grave failure of justice."

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How are they to establish it. Therefore, my Lord, I think that the clause should stand as it is and I hope Government will reconsider their decision about the acceptance of this amendment."

The Hon'ble Babu Mahendra Nath Ray said :—

"I am sorry to have to make a statement now as a member of the Select Committee who had discussed this matter at great length. In clause 80 (now clause 71) and in the other clause 86 (now clause 77), the words originally were 'serious failure of justice'. The Select Committee, as will appear from the report, considered that the word 'serious' was somewhat out of place and therefore should be omitted, so that the wording of clause 80 (now clause 71) was modified deliberately by the Select Committee by the exclusion of the word 'serious', and they went back to the original expression 'failure of justice.' That is why we find in clause 80 (now clause 71) the words 'failure of justice' alone without the word 'serious' preceding them. The Hon'ble Babu Ambika Charan Mazumdar moved an amendment in connection with clause 80 (now clause 71) also, that the word 'grave' should be prefixed to the expression 'failure of justice', but that was ruled out of order.

The Hon'ble Babu Ambika Charan Mazumdar said :—

"But that was disallowed by the President."

The Hon'ble Babu Mahendra Nath Ray said :—

"But this amendment in this clause would, I am sorry to say, not only differentiate the two clauses unnecessarily, but it would be an instance of bad drafting. I do not know whether Mr. Duval representing Government has carefully considered this matter. In fact, if the Select Committee thought that the words which should occur in both the clauses should be 'failure of justice' without any qualifying word 'serious' or 'grave', that was deliberately done in order to make the two clauses consistent. I am only concerned with the wording of the amendment; I do not mind whether Government accept the expression or not, it will simply amplify the power of the district judge to interfere in any case, although I understand that that was not the object of the Bill. It was intended that the district judge will not interfere except when there has been a serious error of law. For instance, there may be a clear error on the question of limitation, but that question of limitation may not be a serious error of law, but still to give effect to the law of limitation, the district judge may interfere in any particular case. I am bound to make this statement because I do not exactly realise either the position of the members of the Select Committee or the somewhat altered position of the Government as indicated by what the Hon'ble Mr. Duval has just now told us."

The Hon'ble Sir Henry Wheeler said :—

"This discussion rather points to the fact that the path of good intentions is not always easy, and it is not always wise to try and please every body. Much of what the Hon'ble Babu Mahendra Nath Ray has said is perfectly correct. The facts are that in the Bill as originally introduced, we had the word 'serious', and when we were considering the Bill in the light of the amendments sent in, we found that one Hon'ble Member had objected to the use of that word; in our desire to meet the wishes of Hon'ble Members

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as far as possible without sacrificing any grave matter of principle, we eliminated the word. Now we find that another Hon'ble Member wants to put back words of a somewhat similar purport, and from his amendment I concluded that the impression conveyed to the Select Committee, viz., that the omission was wanted by the Council, was incorrect. In that belief Mr. Duval has expressed our willingness to go back to the wording of the Bill as originally framed. But now we understand that even to this course there are objections, so in these circumstances, it is best to leave the point to the decision of the Council."

The Hon'ble Babu Ambika Charan Mazumdar said :—

"My Lord, I would like to say one word. My hon'ble friend to my right says that this was considered by the Select Committee, and he is surprised that the Government should have changed its mind. I thought otherwise. We should always welcome any change of mind on the part of Government, but of course if my hon'ble friend thinks that the Select Committee has got the last word, that is another matter. With regard to the expression 'clear error of law' I have already pointed out that there is a clause which says that a union court may throw out a suit on grounds of limitation. I will only give a simple illustration. Suppose a man brings a suit upon a bond. The law provides that limitation may be saved by endorsing an acceptance on the back of the bond, but the union court may not understand this; they may not know that there is a certain difference between certifying on the back of the bond on payment of interest or of principle by the party himself or by a different person. All these niceties may not be understood by the judges of the union court. Therefore I ask that when there is a clear error of law, the judge may interfere. There may not be injustice but still it would be a serious matter. My hon'ble friend to my right has said that a similar provision has not been adopted in the case of the union bench. I submit that he is experienced enough to know that there is a considerable difference between a criminal court and a civil court, and, although the scope of the serious injustice may not be much in a criminal case, there is a very grave chance of substantial justice not being done in a civil suit, and, therefore, I urge this amendment. If there is substantial justice which we all understand and which we all deal with in civil cases, there ought to be no interference of course. I press this amendment."

A division was then taken with the following result :—

Ayes—6.	Noes—15.
The Hon'ble Sir Nilratan Sarkar, Kt.	The Hon'ble Mr. J. G. Cumming, C.S.I., C.I.E.
" Dr. Abdulla-al-Mamun Suhrawardy.	" Mr. Bijay Chand Mahtab, K.C.S.I.
" Maulvi Abul Kasem.	" K.C.S.I., I.O.M., Maharajadhiraja.
" Khan Sahib Aman Ali.	" Bahadur of Burdwan.
" Babu Kishori Mohan Chaudhuri.	" Mr. C. J. Stevenson-Moore, C.V.O.
" Babu Ambika Charan Mazumdar.	" Colonel J. K. Close, M.D., F.M.S.
	" Mr. C. F. Payne.
	" Mr. S. G. Hart.
	" Khan Bahadur Maulvi Aminul Islam.
	" Mr. R. V. Mansell, O.B.E.
	" Mr. W. H. H. Arden-Wood, C.I.E.
	" Sir Deba Prasad Sarbadhikari, Kt.,
	" C.I.E.
	" Rai Debender Chunder Ghose
	" Bahadur.
	" Rai Radha Charan Pal Bahadur.
	" Rai Sri Nath Ray Bahadur.
	" Rai Mahendra Chandra Mitra
	" Bahadur.
	" Babu Mahendra Nath Ray, C.I.E.

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The following members abstained from voting :—

The Hon'ble	Sir Henry Wheeler, K.C.I.E., C.S.I.
"	Mr. J. H. Kerr, C.S.I., C.I.E.
"	Mr. F. C. French, C.S.I.
"	Mr. J. Donald, C.I.E.
"	Mr. L. S. S. O'Malley, C.I.E.
"	Mr. H. P. Duval.
"	Mr. M. C. McAlpin.
"	Mr. F. A. A. Cowley.
"	Mr. W. C. Wordsworth.
"	Sir Rajendra Nath Mookerjee, K.C.I.E.
"	Mr. W. E. Crum, O.B.E.
"	Mr. W. H. Phelps.
"	Mr. G. A. Bayley.
"	Babu Akhil Chandra Datta.

The following members were absent :—

The Hon'ble	Nawab Bahadur of Murshidabad.
"	Mr. Aminur Rahman.
"	Raja Hrishikesh Laha, C.I.E.
"	Mr. L. V. N. Meares.
"	Mr. Provash Chunder Mitter, C.I.E.
"	Babu Siv Narayan Mukharji.
"	Kumar Shib Shekhareswar Ray.
"	Babu Brojendra Kishor Ray Chaudhuri.
"	Mr. Arun Chandra Singha.
"	Mr. F. W. Carter, C.I.E., C.B.E.
"	Mr. H. R. A. Irwin, C.I.E.
"	Mr. M. Ashraf Ali Khan Chaudhuri.
"	Maulvi A. K. Fazl-ul-Haq.
"	Babu Bhabendra Chandra Ray.
"	Mr. Altaf Ali.
"	Babu Surendra Nath Ray.
"	Mr. K. B. Dutt.

The Ayes being 6, and the Noes 15, the motion was lost.

AMENDMENT No. 199.

The Hon'ble Babu Akhil Chandra Datta moved that for the words "one anna" in line 2 of sub-clause (1) of clause 99 (now clause 90), the words "half-an-anna" be substituted.

He said :—

"My Lord, apparently this is a very simple matter, but really it is a very important one. It affects vitally a large class of people for whose benefit the union courts have been instituted. The rate of court-fee in ordinary civil courts is 6 annas for Rs. 5; according to this provision it will be 5 annas for Rs. 5; in other words the court-fees in these courts will be almost as high as in the ordinary civil court. The question is, is it proper that in union courts the court-fee should be as high as that? Here, the whole object in the village court is to administer simple and cheap justice without making it complicated and expensive. But that object would be frustrated if the court-fee is raised as high as 1 anna in the rupee. There are several other reasons why the court-fee ought not to be so high. These courts will be presided

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over by honorary officers, and therefore the expense incurred in administering justice will not be as great as in civil courts. We all know that in ordinary civil courts a large profit is made by these court-fees. But there should be no profit expected or made by administering justice in union courts, and we could very well afford to have a lower rate. Above all, my Lord, there is another consideration which cannot be lost sight of, and it is this : we want to make these union courts a reality and we want to make them successful. If we are to do so, we must induce people to come to these courts in preference to the ordinary civil courts. These courts have no exclusive but concurrent jurisdiction with the civil courts. If that is so, there must be some inducement to come to these courts. If the suitors find that they have got to pay here more than in the ordinary civil courts, there will be no inducement for them to come to these courts, and the result will be that these courts, which we all wish to be successful, will not be taken advantage of by the people. Therefore, my Lord, in order to make these union courts successful, I want to have the court-fees reduced to half-an-anna."

The President said :—

"The amendment which follows amendment No. 199 deals with the same subject and I think we might discuss both the amendments together."

The amendment No. 200 was as follows :—

The Hon'ble Babu Ambika Charan Mazumdar to move that at the end of sub-clause (1) of clause 99 (now clause 90), the following be added, namely :—

"up to twenty-five rupees, and an additional fee of half-an-anna for every rupee of the claim above twenty-five rupees."

The Hon'ble Babu Ambika Charan Mazumdar said :—

"My Lord, my amendment is that the fee should be at the rate of one anna up to Rs. 25, and an additional fee of half-an-anna for every rupee of the claim above Rs. 25. I have taken the mean between the two ; up to Rs. 25 in an ordinary course under the Court-Fees Act the court-fee would be Re. 1-14, but under this Bill in a union court it would be Re. 1-9, so that it would be something less ; but we have to consider also the expenses to be incurred in going on with the suits and various incidental matters and, therefore, I have suggested that up to Rs. 25 the rate fixed by this clause may remain but above that it should be half-an-anna for every rupee of the claim ; otherwise as my friend has pointed out there would not be sufficient inducement for the litigant to go to the union court. In the case of a claim for Rs. 100 under the Court-Fees Act the court-fee leviable would be Rs. 7-8, but if you make one anna all round then the court-fee for Rs. 100 under this Bill would be Rs. 6-4, there being a difference of only Re. 1-4. This would hardly be an inducement to the poorer people to seek the assistance of the union courts which it is our object to popularize no doubt, and in that view I submit that up to Rs. 25 we might agree to one anna, but for every rupee above Rs. 25 we shall make it half-an-anna."

The Hon'ble Mr. Duval said :—

"My Lord, as has been pointed by the Hon'ble Babu Ambika Charan Mazumdar, the fee for suits in the civil court is Rs. 7-8 for a claim of Rs. 100. The fee rate proposed in the present Bill is at the rate of Rs. 6-4. I would submit that in so far as the small cases up to Rs. 25 which, when

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brought in the village court are not liable to be transferred at the wish of defendant this fee is sufficiently low, that is to say, for a claim of Rs. 25 the plaintiff will be able to get judgment at the expense of Re. 1-9. In the case, however, of cases of above Rs. 25 in value, it would probably be an advantage to have as low a fee as possible so as to induce the people to come to these courts and not to apply for a transfer to the munsif's court. In this view opposing the proposal of the Hon'ble Babu Akhil Chandra Datta to reduce the fee of one anna to half-an-anna for all suits, Government is prepared to accept the amendment proposed by the Hon'ble Babu Ambika Charan Mazumdar."

The Hon'ble Babu Akhil Chandra Datta said :—

"My Lord, I have submitted my reasons; my only object is to make the union court popular and the administration of justice by them less expensive. The controversy now is whether up to Rs. 25 the court-fee should be half-an-anna or one anna. My submission is this; all the suits that will be tried by the union courts are necessarily suits of small value; the higher the value the less will be the inclination of the litigants to go to these courts, and they would go to the ordinary courts; and therefore so far as the higher amounts are concerned they are not of very much value, and the most important question is what should be the rate of court-fees for lower amounts. In that view of the matter I feel rather strongly on this matter—it is a matter which will affect a very very large class of persons and I am only afraid, my Lord, that unless the fee is reduced the whole object of these provisions will be frustrated and the courts will not be taken advantage of by the litigant. In that view of the matter I would like to press the amendment No. 199 for the acceptance of the Council and I only hope that the Members of Council will give their serious consideration over this important matter."

Motion No. 199 was then put and lost.

Motion No. 200 was then put and agreed to.

AMENDMENT No. 201.

The following motion stood in the name of **the Hon'ble Babu Akhil Chandra Datta** :—

That after clause 99 (new clause 90) the following be inserted, namely :—

"100. If any suit is instituted in the court of small causes or the court of a munsif which, in the opinion of the court which tries the same (whose opinion shall be final), ought to have been instituted in a union court, no costs shall be allowed to a successful plaintiff, and a successful defendant shall be allowed such costs as the court may consider reasonable."

He said :—

"There is a question of order."

The Hon'ble Sir Deba Prasad Sarbadhikari said :—

"My Lord, we have already accepted in clause 83 (now clause 74) that if the union courts and the munsif's courts will have concurrent jurisdiction, is it open to us to say that the litigants shall be penalised for going to a court which has concurrent jurisdiction over these matters? This would not be governed by this Act but by other Act."

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The President said :—

"I think that is correct. The point raised by the Hon'ble Member is, I think, a good one. We have already decided that these different courts are to have concurrent jurisdiction. That being so, I think it would be out of order to make a suggestion which would have the effect of penalizing a litigant, who wants to go to one of these courts in preference to another. But if the Hon'ble Member desires to make any observation on that point, I would be glad to hear him."

The Hon'ble Babu Akhil Chandra Datta said :—

"My Lord, that has reference to the jurisdiction of the court so far as the question of the value of the suit and the nature of the suit is concerned. But I think that has no reference to court-fees. The question of court-fees is absolutely different. Two courts may have jurisdiction over the same matter concurrently, and at the same time the rate of court-fee, if the law prescribes so, may be different in the two different courts."

The President said :—

"I do not think that that invalidates the point raised by the Hon'ble Sir Deba Prasad Sarbadhikari. If you want to lay down by statute that two or more courts are to have concurrent jurisdiction, that clearly means that the litigant is to have the option of going to either of the courts. If that is so, it is surely out of order to endeavour to insert in the latter part of the Act, a provision which would penalize a litigant if he selects one particular court out of those which are provided for him. That seems to me to be unreasonable, and I think it is out of order."

The motion was then deemed to be withdrawn.

AMENDMENT No. 202.

The Hon'ble Babu Ambika Charan Mazumdar moved that after the word "distributed," in line 4 of clause 102A (now clause 92), the following be inserted, namely :—

"in proportion to the fee payable under section 99 and the amount decreed to the party under section 94."

He said :

"My Lord, this amendment refers to clause 102A (now clause 92). I think what I am going to move was the very intention of the Select Committee also. I wish to make it clear by adding that the sum shall be rateably distributed in proportion to the fee payable under clause 99 (now clause 90) and the amount decreed to the party under clause 94 (now clause 86). I only want to make it clear what should be the rateable distribution, that is to say, the rateable distribution of fees under clause 99 (now clause 90) and the amount decreed. That will make the matter clear and I think that is also the object of the Select Committee."

The Hon'ble Sir Henry Wheeler said :—

"My Lord, the amendment is really one of drafting. The clause deals with the case in which the sum realized from the debtor is not sufficient to pay the amount of the decree and of the fees due, and it then says that the proceeds that are realized should be distributed rateably; rateably means in proportion to the fee payable and the amount decreed, and I am advised that as a matter of drafting, the further words proposed in the amendment are not

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required, since the meaning of the clause is already sufficiently clear. As we are generally guided by our own advisers in the matter of drafting, I deprecate the amendment."

The Hon'ble Babu Ambika Charan Mazumdar said :—

"My Lord, there is no difference between what I have said and what the Hon'ble Sir Henry Wheeler has said. Rateable distribution means according to certain proportion, and by my amendment I wanted to make that more clear; that is to say, the proportion between the fees leviable and the amount realised."

The motion was then put and lost.

AMENDMENT No. 203.

The Hon'ble Rai Mahendra Chandra Mitra Bahadur moved that after sub-clause (2) of clause 103 (now clause 93) the following be added, namely :—

"(3) Rules referred to in clauses (g) and (s) of sub-section (2) of section 111 (now section 101) shall come into force subject to sanction by the legislature, after previous publication in the *Calcutta Gazette*.

He said :—

"My Lord, under section 111 (now section 101), the local Government are authorised after previous publication to make rules to carry out the purposes of the Act. In particular, and without prejudice to the generality of the foregoing power, the local Government may make rules. Now rules regarding determining the manner and time of appointment or election of members, rules regarding the election of the president of union board and rules regarding various other matters are to be made by the local Government. My submission is that the Bill as has been framed is not exhaustive. The provisions of the Bill show that rules for regulating the procedure and institution of suits, etc., should be left to the rules which are to be framed by the local Government, that is, the executive Government. My contention is that the legislature or the Legislative Council ought to sanction these rules. I have no objection, if the rules are framed by the local Government but they must be subject to the sanction of the legislature. When the Bill shows in clear terms that provisions of the Civil Procedure Code and the Criminal Procedure Code will not apply to the present Bill, is it not fair and consistent that the procedure which should be substituted in place of the Civil Procedure Code and the Criminal Procedure Code should be sanctioned by the legislature? It is true, my Lord, that if the legislature delegates its authority to the local Government, the legislature may be pleased to do so, but the question is that the mere statutory authority given by the legislature to the local Government will not go so far as to lay down that those rules ought not to be sanctioned by legislature. We are to deal with adjective law; in whatever way the rules may be treated or in whatever way the rules may be explained, it appears to me that the rules must have the force of law and consequently the sanction of the legislature is necessary.

"In the first place, my contention is that the legislature ought not to delegate its authority to the local Government to frame rules—call them as rules, call them as laws or call them as generalisation for proceedings in the trial of suits. That is my view of the matter. The legislature ought not to delegate its authority, and if the legislature does delegate its authority to the executive Government, it is necessary that these rules should be sanctioned by the legislature, and in that view of the matter I have placed this amendment for the consideration of the Hon'ble Members of the Council.

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"Now, so far as the procedure in courts is concerned, are the litigants to be bound by rules framed by the executive Government? The legislature up to this moment does not know what the rules are. What are the rules of procedure for the trial of suits in the Courts of Justice? It will appear that so far as the jurisdiction of the union courts or union benches is concerned, that they should be guided by rules framed by the executive Government. Of course I am not prepared to say that these rules are to be viewed as *ultra vires*; but I do contend that when the legislature is enacting the law, this is the time for the legislature to consider whether the rules are to be subjected to the criticisms of the Hon'ble Members of the Legislative Council. In this view, it is a very important question which Your Excellency will have to consider—it is a question which was raised several times at the bar and before the bench and they could not say that these rules were *ultra vires* because statutory power was given by the legislature to the Local Government; but these have reference to minor matters, i.e., election rules and those which are specified in the first part of clause 111 (now clause 101). But when we have to deal with the procedure for the trial of suits, is it to be contended that these rules will have the force of law, because the legislature delegates the authority to the local Government? My Lord, it is a very important question which the Hon'ble Members will have to consider. I do not for one moment wish that the operation of the Bill should be delayed. I had welcomed the Bill at the time when it was introduced by Lord Sinha; but, at the same time, I want to submit to the Hon'ble Members that if the rules are framed by the Local Government, let these be subjected to the criticism of the legislature. Your Excellency has noticed that the Bill was at the first instance put before the Hon'ble Members of the Legislative Council, and recommitted to the Select Committee, and we find that various amendments have been put in. What for?—for the reason of seeing that the Bill is a perfect one. But the rules are framed by the executive Government and they are not subjected to the criticisms which naturally and legitimately will arise. Consequently the rules, if published in the *Calcutta Gazette*, will have the force of law and the legislature has no voice at all. What I submit, my Lord, is that these rules ought to be subjected to the criticisms of the Legislative Council. That is a point which I submit for the consideration of Your Excellency and the Hon'ble Members of this Council. It is a question of great importance, and, therefore, I move his amendment."

The Hon'ble Sir Henry Wheeler said:—

"My Lord, I am afraid I am not prepared to accept this amendment. It really makes two requests: one is that rules shall only be framed after previous publication in the *Calcutta Gazette*, and my answer to that point is that that provision is already in the law. Under clause 111 (now clause 101) of the Bill, the local Government may, after previous publication, make rules; so that matter is already provided for.

"The second proposition in the amendment is that rules should not be valid under the Bill, unless they are sanctioned by the Legislative Council. Now, Sir, the insertion in Acts of powers to make statutory rules is a common feature of most of the legislation in this country, and I think the fact that it is so common a feature points to the conclusion that it is recognised as an administrative necessity. It is not practically possible to foresee, at a time when a Bill is framed, every contingency which may arise to be dealt with under it hereafter. These statutory rules are largely framed in the first instance no doubt on general grounds; but they are amended and added to from time to time in the light of experience. When a need arises demonstrating that a rule is required, a rule is framed. Again any attempt to provide for everything in the Bill would over-burden it with a most undesirable

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amount of detail. The amendment, if accepted, would place a statutory rule and a provision of the legislature practically on the same footing; and we should not be able to make any change which might be necessary for administrative reasons without having, practically, to go through the whole procedure of a Bill. I submit that the proper function of the legislature is to lay down the matters which may be dealt with by rules, and then to leave it to the authority which will be entrusted with the administration of the Act. Many of the points covered by clause 111 (now clause 101) are matters which are essentially details of administration. The time and manner of election, registration of voters, the powers of presidents and vice-presidents, the conduct of meetings and the method of forming a quorum, registers and records, details of assessment, and so on—all these are matters that we can scarcely bring before the Legislative Council. I submit therefore that the procedure of rules is justified by experience, and it is the only procedure which will ensure the smooth working of the Act.

The Hon'ble Rai Mahendra Chandra Mitra Bahadur said :—

“I have nothing more to add.”

The motion was then put and lost.

AMENDMENTS Nos. 204-206.

The Hon'ble Rai Mahendra Chandra Mitra Bahadur moved that sub-clause (3) of clause 106 (now clause 97) be omitted.

He said :—

“My Lord, I have put this amendment for the consideration of the Council, viz., to omit sub-clause (3) of clause 106 (now clause 97). The object of the amendment is to invite legal practitioners to attend union courts. If legal practitioners are considered to be obstacles in the way of the administration of justice, that is another point, but if these legal practitioners are not allowed to attend these union courts, the result will be that suitors will be under the influence of touts. I do not wish to add any other reason to what I have said, but if Government consider that they should not attend such courts, that is another matter, but I thought it my duty to bring the matter for the consideration of your Excellency's Council.”

The Hon'ble Babu Ambika Charan Mazumdar said :—

“My Lord, I belong to the legal profession, but I think that the very object of this Bill would be defeated by allowing legal practitioners to appear in these union courts. The appearance of a legal practitioner before any court no doubt helps considerably for better administration of justice, but in establishing these union courts, we are thinking more of the expenses of litigants than of anything else. We want to establish courts to avoid ruinous litigation, but if experienced lawyers are permitted to appear in these courts, then I do not think there will be much difference between a suit tried in the union court and that tried by the ordinary munsif. Besides, my Lord, we have carefully limited the extent of the pecuniary jurisdiction of the union courts up to only Rs. 200, and in case of criminal cases, we have specified certain simple and ordinary offences. In these matters if we permit the services of lawyers to be available in these courts, a rich man might harass a poor man and at the same time both may be ruined by the heavy expense of litigation. In this view I have always considered that it is a very salutary provision by which legal practitioners are debarred from appearing in these courts, but there is one little difficulty

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which I hope Sir Henry Wheeler will try to explain, and that is this: the Legal Practitioners Act is an enactment of the Government of India, and under that Act lawyers are authorised to practise in all courts subordinate to the High Court, and it is a question whether in face of that statutory power we can legitimately debar them from appearing in those courts. But I have already said I welcome this salutary provision, provided it does not go against the provisions of the Legal Practitioners Act over which this Council has no jurisdiction."

The Hon'ble Rai Radha Charan Pal Bahadur said :—

"I would accept the provision of the Bill as it stands, but there is one point to which I would draw attention. There is a provision here, that full-time servant, partner or a relative of the party may appear before the union courts. My hon'ble friend, Babu Ambika Charan Mazumdar, says that if there is a fight between a money-lender and an agriculturist, the money-lender may have a powerful lawyer to appear for him, but at the same time a full-time servant is not always available to appear for the party, and therefore I would ask whether it would not be better to omit the provision of a full-time servant."

The Hon'ble Sir Henry Wheeler said :—

"I rise to a point of order; this is absolutely a different matter."

The President said :—

"I think that is so; I was trying to see what bearing the speech of the Hon'ble Member had on this amendment. I do not find any."

The Hon'ble Mr. Duval said :—

"I do not think there is much to add to what Babu Ambika Charan Mazumdar has said against this proposal which on behalf of Government I oppose. He has raised one point, however, as to whether we can legislate for the exclusion of legal practitioners on the ground that the Legal Practitioners Act of 1879 was an Act of the Government of India. In this connection I would inform him that in the original draft of the Bill which we sent up for approval of the Government of India, we included this provision pointing out to the Government of India that notwithstanding anything contained in the Legal Practitioners Act, legal practitioners should not be allowed to practise before the union court or the union bench and the Government of India raised no objection. I do not think therefore that there can be any difficulty on this point, and I think this Council has ample jurisdiction to pass the proposal as set out in the Bill. As to the merits, I would simply add this. In the district courts of the United Provinces and in the Punjab, legal practitioners are not allowed, and when the District Administration Committee issued its report, they said as follows: 'We think it would be inconsistent with the character and constitution of village courts and for the purposes for which they are intended, to allow legal practitioners to practise in these courts, and we are strongly of opinion that they should be rigorously excluded.' With these remarks on behalf of Government I oppose this amendment."

The motion was then put and lost.

Two identical motions, Nos. 205 and 206, in the names of the Hon'ble Babu Kishori Mohan Chaudhuri and the Hon'ble Babu Akhil Chandra Datta respectively, were deemed to be withdrawn.

*The Bengal Village Self-Government Bill, 1919.**Rai Radha Charan Pal Bahadur ; Mr. Duval.***AMENDMENT No. 207.**

The Hon'ble Rai Radha Charan Pal Bahadur moved that for the words "after previous publication," in lines 1 and 2 of sub-clause (I) of clause 111 (now clause 101), the words "subject to the provisions of section 143 of the Bengal Local Self-Government Act of 1885," be substituted.

He said :—

"My Lord, I believe that the provisions of section 143 of the Local Self-Government Act should be taken in here, and I believe that that also is the intention of Government as far as I can judge ; it would be better to have that clause inserted here. Then perhaps the objections raised by some of my hon'ble friends about the rules not being considered by the legislature would be minimised. If my amendment is accepted, Government would be required to consider criticisms on the rules before they are finally published."

The Hon'ble Mr. Duval said :—

"I would submit that this amendment is perfectly unnecessary. No doubt under section 143 of the Local Self-Government Act rules could only be framed after observing certain formalities. Since, however, 1885, in which year that section was passed, we have had the General Clauses Act, I of 1889, and section 24 of that Act says :—

"Where, by any Bengal Act, a power to make rules or by-laws is expressed to be given subject to the condition of the rules or by-laws (as we have provided in this clause) being made after previous publication, then the following provisions shall apply, namely—

- (1) the authority having power to make the rules or by-laws shall, before making them, publish a draft of the proposed rules or by-laws for the information of persons likely to be affected thereby ;
- (2) the publication shall be made in such manner as that authority deems to be sufficient, or, if the condition with respect to previous publication so requires, in such manner as the Local Government prescribes ;
- (3) there shall be published with the draft a notice specifying a date on or after which the draft will be taken into consideration ;
- (4) the authority having power to make the rules or by-laws, and, where the rules or by-laws are to be made with the sanction, approval or concurrence of another authority, that authority also shall consider any objection or suggestion which may be received by the authority having power to make the rules or by-laws from any person with respect to the draft before the date so specified ;
- (5) the publication in the *Calcutta Gazette* of a rule or by-law purporting to have been made in exercise of a power to make rules or by-laws after previous publication shall be conclusive proof that the rule or by-law has been duly made.

I submit, my Lord, that in view of this statutory provision of the General Clauses Act and of the fact that in this clause we have inserted that the rules can only be made by after previous publication, there is absolutely no necessity to refer to the old Act of 1885, nor to section 143 of that Act. The present law under the General Clauses Act covers the object which Government intended and which the Hon'ble Member also wishes."

*The Bengal Village Self-Government Bill, 1919.**Rai Radha Charan Pal Bahadur.***The Hon'ble Rai Radha Charan Pal Bahadur** said :—

"I thank the Hon'ble Member for the information which he has furnished, and I beg leave to withdraw my amendment."

The motion was then, by leave of the President, withdrawn.

AMENDMENT No. 208.

The following motion stood in the name of **the Hon'ble Babu Akhil Chandra Datta** :—

That after the word "publication" in line 2 of sub-clause (1) of clause 111 (now clause 101) the words "and after consideration of the views of the district boards" be inserted.

He said :—

"My Lord, in view of the provisions of the General Clauses Act which we have just heard, I beg leave to withdraw this amendment."

The motion was then, by leave of the President, withdrawn.

AMENDMENT No. 209.

The following motion stood in the name of **the Hon'ble Babu Kishori Mohan Chaudhuri** :—

That after the word "president" in line 2 of sub-clause (2) (b) of clause 111 (now clause 101), the words "or vice-president" be inserted.

He said :—

"My Lord, this has become unnecessary, because the provision for a vice-president has not been accepted by the House, so I beg leave to withdraw it."

The motion was then, by leave of the President, withdrawn.

AMENDMENT No. 210.

The Hon'ble Member being absent, the following motion was deemed to be withdrawn :—

If motion No. 46 be carried, **the Hon'ble Maulvi A. K. Fazl-ul-Haq** to move that after sub-clause (2) (e) of clause 111 (now clause 101), the following be inserted, namely :—

"(ee) prescribing the procedure for convening and conducting meetings for passing votes, of censure on members under section 14B."

AMENDMENT No. 211.

The following motion stood in the name of **the Hon'ble Babu Akhil Chandra Datta** :—

That sub-clause (2) (h) of clause 111 (now clause 101), be omitted.

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The Hon'ble Babu Akhil Chandra Datta said :—

"I am not quite sure, my Lord, in view of the decisions already come to by the Council, whether it is in order to move this amendment. I have my doubts about it. If this amendment is passed, it will not be quite in conformity with the decisions which the Council has already arrived at."

The President said :—

"Yes, I think the Hon'ble Member is right. He proposes to leave out sub-clause (h) of clause 111 (now clause 101) which gives power for 'regulating the powers and duties of union boards in regard to the control to be exercised by them, over dafadars and chaukidars within the union'. The Hon'ble Member suggests that if that amendment is carried that would be contrary to the decision which has already been arrived at by the Council. I think he is correct; it would be so. Under these circumstances he is not in order in moving it."

The motion was then deemed to be withdrawn.

AMENDMENT No. 212.

The following motion was also covered by a previous decision of the Council and was deemed to be withdrawn.

The Hon'ble Babu Akhil Chandra Datta to move that the words "of dafadars, and" in line 1 of sub-clause (2) (i) of clause 111 (now clause 101), be omitted.

The Hon'ble Sir Henry Wheeler said :—

"With your permission, and in connection with a previous amendment accepted by this Council, I will now move, Sir, that after sub-clause (i) of clause 111 (now clause 101) the following be inserted, viz.:—

'(ia) prescribing the processes to be served by dafadars or chaukidars and regulating the service of such processes'.

The amendment will be understood in the light of the discussion that we had yesterday.

The motion was put and agreed to.

AMENDMENT No. 213.

The Hon'ble Member being absent the following motion was deemed to be withdrawn :—

The Hon'ble Maulvi A. K. Fazl-ul-Haq to move that after sub-clause (2) (n) of clause 111 (now clause 101), the following be inserted, namely :—

"(nn) fixing the period within which, and the manner in which, an appeal under section 61, sub-section (3), shall be preferred."

AMENDMENT No. 214.

The Hon'ble Rai Radha Charan Pal Bahadur moved that item 3 in column 4 of Schedule I, be omitted.

He said :—

The object of item No. 3 in column 4 of Schedule I is to enable local boards to be established even for parts of subdivisions while section 6 of

*The Bengal Village Self-Government Bill, 1919.**Mr. O'Malley.*

the Bengal Local Self-Government Act, lays down a subdivisional area to be the minimum local board area. The original Bill contemplated the substitution of circle boards for local boards, the circle boards comprising only parts of a subdivisional area. The Select Committee have retained the local board, though the amendment of section 6 of the Bengal Local Self-Government Act in the manner would enable Government to create local boards for what were proposed to be circle board areas. So the distinction between local boards and circle boards would be more in name than in substance.

Section 6 of the Bengal Local Self-Government Act should be left as it is, and local boards should not be permitted to be established for less than subdivisional areas. In justifying the elimination of the circle board the Select Committee observed: 'We accept the view that the functions to be exercised by such bodies would be inadequate to confer a status likely to attract energetic members or to give them a keen interest in their work.' If the local boards are to exercise an efficient control over union boards placed under their supervision, they must be composed of men who are of a type superior to the members of the union boards and we cannot have such a type of men unless we include the subdivisional headquarters within a local board area. Moreover, a too close control—such as would be exercised by local boards for areas smaller than subdivisional areas would tend to make the union boards lifeless. Whatever supervision there is to be over these little self-governing units it must be exercised from a distance and by persons capable of efficiently exercising such control. There is also a risk that if areas smaller than subdivisional areas are constituted into local boards, the circle officer may be in a position to impose his will on these weak bodies and reduce them to mere tools in the hands of the executive. It is very significant that under the scheme propounded by the District Administration Committee, the circle officer was to have been the chairman of union boards. This feature has, no doubt, been omitted in the Bill. But if we have miniature local boards of the same size as the circle boards, the circle officer, though not actually the president, will virtually be their dictator. Question of cost is important too. By having a larger number of local boards, establishment charges would be increased. Every thing will have to be met from local taxation, since Government are not definitely committing themselves to any contribution. District boards are also not very affluent. Too close a control was not favoured by the Decentralization Commission even in matters of finance and audit. In every matter it is now proposed to have too close control."

The Hon'ble Mr. O'Malley said :—

"My Lord, I may explain the reasons which led the Select Committee to insert this item in the schedule. Local boards have been established throughout all but five districts in which the Local Self-Government Act is in force. Two of these districts (Bogra and Malda) have no subdivisions, and have therefore no local board. There is also no local board in the district of Chittagong or in the Sadar subdivision of Dinajpur and the Sadar subdivision of Jalpaiguri. With reference to that, I may mention that the question of establishing local boards in the district of Chittagong has been kept in abeyance, because this Bill, as introduced, provided for circle boards; and it was felt that there would be little object in introducing local boards when they would be replaced in a short time by circle boards. Now that the idea of establishing circle boards has been dropped, the question of introducing the local board system in Chittagong will be taken up.

"To revert to the amendment, the Local Self-Government Act allows Government only to establish a local board for a whole subdivision or two or more subdivisions, and the object of this item in the schedule is to enable Government to establish local boards for parts of subdivisions.

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The reason is first that, as explained by the Hon'ble Sir Henry Wheeler when the Bill was previously under debate, it will be necessary to introduce the Act gradually and in selected areas. To take the case of the districts in which there are at present no local boards, it may not be possible to introduce the Act at one step in the whole of the districts of Bogra and Malda. It may be desirable first to introduce it in parts only of those districts; in that case it will be desirable that a local board, as the controlling authority over union boards, should be established only for that part of the district in which union boards are established. In the rest of the district, the District Boards would continue to have direct and exclusive jurisdiction. Again, in the sadar subdivision of Jalpaiguri it might not be desirable to introduce the Act and to establish union boards throughout the whole area. The tea-garden coolies are not a very advanced population and would not form a suitable material for such an advanced system as the Bill contemplates. Outside the tea-garden areas, however, it might be possible to establish union boards, and in that case it would be possible for Government by this amendment of the Local Self-Government Act to establish a local board for the area having union boards. That is the main object of this amendment of the Local Self-Government Act.

"The Select Committee also had in view a contingency which is at present remote, *namely*, that in the course of time the local boards, with the growth of union boards and the consequent expansion of their work, will find it difficult to exercise effective supervision over the whole number. The Hon'ble Mover has not realised what a large number of union boards will be established throughout the districts. The average per district would be about 250. It is to meet such a contingency that this amendment is partially designed. If any local board finds it impossible to get through its work, it will enable the Government to give it a smaller area of control by establishing smaller boards. This, however, is a contingency which is not likely to arise for some time, and the item in the schedule is for the present contemplated to meet only the cases of the districts throughout which local boards have not been established. This item is therefore necessary, and I am unable to accept the amendment."

The Hon'ble Rai Radha Charan Pal Bahadur said :—

"My Lord, I have tried to follow the Hon'ble Mr. O'Malley's speech and as far as I understand him I think he says that such places as Bogra and Malda have no local boards as there are no subdivisions. But it is necessary to have local boards intervening between the district boards and union boards. What I fail to understand is that when the district has not yet been subdivided into subdivisions it seems that there is no necessity for having a local board there. Further, I would like to quote the Hon'ble Mr. Hart's opinion on this point. He says that it is not necessary to have intermediate bodies as circle boards or local boards. I think that it will be considered sufficient if the union boards are supervised by the standing committees of the district boards. Supposing Malda and Bogra have the district board standing committees to supervise their union boards, I do not think there will be any difficulty."

The Hon'ble Mr. O'Malley said :—

"My Lord, may I refer the Hon'ble Member to clause 55A (now clause 50) of the Bill which says that subject to the control of the district board, a local shall supervise the administration of union boards."

*The Bengal Village Self-Government Bill, 1919.**Rai Radha Charan Pal Bahadur; Babu Akhil Chandra Datta;**Sir Henry Wheeler; The President.***The Hon'ble Rai Radha Charan Pal Bahadur** (continuing) said :—

"My Lord, I quite understand that clause; but that clause gives the local Government the discretion to add to the number of local boards. What I say is: that it is necessary to ensure supervision. The provisions of the present Bill are quite sufficient to carry out the supervision of the union boards; and if the contingency to which the Hon'ble Member has referred arises, I think that the district board in such a small district as Malda will be able to manage it by their standing committees.

"Further, it has been stated that there might be on an average of 250 union boards in a district. It may be so; but these boards will be supervised by two bodies—*first* by the local board and then by the district board. Where there are no local boards in smaller areas, the district boards will be able to look after them and the creation of union boards will add considerably to the cost of the self-governing institution, which I submit is unnecessary. The objection against the circle boards applies to this clause also. A grave impediment to the success of this measure is that it involves a considerable increase in the burden of taxation and that is also my experience in the case of the present union committees."

The motion was then put and lost.

AMENDMENT No. 215.

The Hon'ble Babu Akhil Chandra Datta moved that items 4 and 5 in Schedule III be omitted.

He said :—

"My Lord, in the course of the discussion on a previous amendment, I have already submitted my reasons for objecting to the delegation of powers by the District Magistrate to subordinate officials. Items 4 and 5 are the most important items in Schedule III. In item 4, it is proposed to delegate to the powers of appointment and dismissal of chaukidars and dafadars and in item 5 of the fining of dafadars and chaukidars, to the subdivisional magistrate, superintendent of police or circle officer. My contention is that these powers should not be delegated, because we have had complaints in the past about the evil effects of the delegation of these powers by the district magistrate to the Police. I propose, therefore, that these two items be omitted from the schedule."

The Hon'ble Sir Henry Wheeler said :—

"My Lord, yesterday in amendment No. 137 the Hon'ble Member sought to omit from the Bill the whole of Schedule III. His present proposal is to omit a part of it only. But, as the Council decided yesterday to retain the whole, I am not sure whether he is in order in asking for a modification of it in part."

The President said :—

"The motion that the Hon'ble Sir Henry Wheeler is referring to is to omit clause 52 (now clause 47) and Schedule III. I pointed out at the time that the Hon'ble Member could not then deal with Schedule III; and that he would have to wait till we came to it. The question which I then put was that clause 52 be omitted and that was negatived; but that does not prevent him from proposing an amendment for omitting certain items from the schedule."

*The Bengal Village Self-Government Bill, 1919.**Sir Henry Wheeler ; Babu Akhil Chandra Datta.***The Hon'ble Sir Henry Wheeler said :—**

"My Lord, I am sorry that I misunderstood Your Excellency's remarks."

"As regards the merits of the proposal, the amendment, if accepted, will require that the appointment, dismissal and fining of dafadars and chaukidars must be done by the district magistrate throughout the whole district. I have very little to add to what the Hon'ble Mr. Kerr said yesterday in connection with amendment No. 137. It is an absolute impossibility for the district magistrate personally to discharge all these functions throughout the district, and it would not be satisfactory that he should attempt to do so. It is far better to delegate these powers to somebody, i.e., the subdivisional officer, the superintendent of police or the circle officer, who is more closely cognizant of the facts and the circumstances which regulate them. For the reason that the adoption of this proposal will seriously impede the administration of the Act, I oppose the amendment."

The Hon'ble Babu Akhil Chandra Datta said :—

"My Lord, it is said that it is not possible for the district magistrate to discharge all these functions and the power must necessarily be delegated to somebody. Now, what will be the result? The result will be the continuance of the old system. Although, there has been a good organisation of the chaukidari union, although the union board is formed with larger powers and although the chaukidars are admitted to be the servants of the union boards, still, for all practical purposes, they will be the servants of the police. So, the present position will be continued and no improvement will be effected of this very important question. For these reasons, I would press this amendment."

The motion was then put and lost.

AMENDMENT No. 216.

The Hon'ble Babu Akhil Chandra Datta moved that the words "circle officer" and "superintendent of police," wherever they occur in column 2 of Schedule III, be omitted.

He said :—

"My Lord, as regards this amendment my submission is that, in the first instance, I moved for the omission of schedule III. That has, of course, been negatived, then I moved that out of the several items of that schedule, items Nos. 4 and 5 be omitted. That has also been negatived. My only alternative is now to move that in items Nos. 4 and 5, the words 'superintendent of police or circle officer' wherever they occur may be omitted. As a matter of fact, however, these two words occur only in items Nos. 4 and 5. In other words, the result of the acceptance of this amendment will be that so far as the sub-divisional magistrate is concerned, the authority of the district magistrate in these two matters may be delegated to the former and *not* to the superintendent of police or circle officer. I have nothing further to say as I have already stated my reasons."

The Hon'ble Sir Henry Wheeler said :—

"My Lord, the result of the amendment, if accepted, would be that the district magistrate could only delegate these powers to the subdivisional magistrate and not to anybody else. At present, he can delegate authority to the superintendent of police, and this practice has been in force since 1892, when the right so to delegate was introduced by the amending Act of that

*The Bengal Village Self-Government Bill, 1919.**Sir Henry Wheeler.*

year. Sir Henry Cotton then explained that this delegation had not been given at the time of the Act of 1870, mainly because the position of the superintendent of police at that time had not been clearly defined or understood. He further remarked :—

‘When the Act of 1870 was passed, it was thought expedient that all power and control in regard to the village watch should rest with the magisterial authorities only, not with the heads of the department. However, there has been some changes since those times, and there is now no doubt in the minds of any one as to the exact position and relations between the magistrate of the district and the district superintendent. In these circumstances it was thought it would be administratively convenient to empower the magistrate of the district to delegate his authority, subject to the sanction of the Commissioner, to the district superintendent of police, if he should wish to do so in preference to any magisterial officer subordinate to him. By such delegation, he will be merely giving effect to the principle which underlies all the old Regulations in Bengal with regard to the relations between the village watch and the regular police. At the same time the power, if so delegated, will have a tendency to result in the improved organisation of the village watch, which is one of the main objects of the Bill which I have introduced into Council’.

These, Sir, were the reasons for which the power was not given in 1870, but was given in 1892. Since then it has been exercised in various ways in different districts without any inconvenience to the administration and without any bad results; and I submit that there is no justification for seeking to eliminate the authority of so delegating.

The question of circle officers is no doubt more new, as they are a newer creation; but we hope that they will play an important part in the development of village self-government. In this connection, I would like to correct an impression which the Hon'ble Babu Akhil Chandra Datta sought to convey earlier in the day, that the District Administration Committee favoured the cry of developing village self-government merely for the sake of securing the appointment of circle officers. The facts are far otherwise. They regarded the circle officer throughout as one of the most fundamental factors in the success of any scheme of village self-government, and that was not only their experience, but it is the experience of all those who have at one time and another enquired into the matter. I have previously referred to two enquiries made by committees presided over by Mr. Beames and Mr. Monro. The finding of both these committees was that part of the reason of the failure of the chaukidari administration lay in the absence of any agency which could exercise supervision. Failing that agency, resort had to be had to the police, but although these committees strongly recommended that if anything was to be done to improve the chaukidari panchayats and to bring them under influence other than those of the police, it must be by the creation of a subsidiary agency which did not then exist, nothing was ever done in that direction. When I enquired into the matter in 1905-06, I again drew attention to this defect and pressed the point; but just as the recommendations of these two earlier bodies were disregarded, so too my small recommendation did not get through. The District Administration Committee after examining these old papers again came to the same conclusion. To substantiate my contention regarding the importance which they attached to this point, I would read a few extracts from their report. This is what they said in paragraph 94 :—

“The proposed scheme (of circle officers) is one of great administrative importance, for it contemplates the creation, not only of a village organization which it may be possible to utilize as the basis of real local self-government in Bengal, but also of a supervising local agency, without which no village system can ever be expected to work satisfactorily.”

In another paragraph, they referred to the detriment to the working of the system which had resulted from the constant interference of the police, which, though not contemplated by law, had to be employed in the absence of

*The Bengal Village Self-Government Bill, 1919.**Babu Akhil Chandra Datta.*

any other agency. This was exactly the contention of Mr. Beames' and Mr. Menro's committees and of myself. In paragraph 97, the District Administration Committee observed :—

"Over and over again it has been pointed out that, without at least one whole-time special officer to supervise the work of the panchayats in each district, the president system was bound to fail, but the question has invariably been shelved on some ground or other, and, until the recent deputation of Mr. Weston and Mr. J. N. Gupta to supervise the introduction of an experimental circle system into certain selected subdivisions, practically nothing was done."

This finding shows that the failure of the chaukidari, panchayats and union committees, as also of Mr. Savage's president system was due to the want of adequate supervision. As regards the latter the Committee remarked in paragraph 96 :—

"The initial mistake was made of attempting to introduce it without the special supervision, which both Mr. Savage and Mr. Wheeler, from the first, had strongly insisted upon as necessary to its success."

"So, Sir, I submit that the circle officer is meant to fill a very definite place in the development of village self-government which we all wish to see, and that it would be a fatal mistake to endeavour to deprive him of the powers which, by delegation, it would be possible to give him under the Bill as it stands."

The Hon'ble Babu Akhil Chandra Datta said :—

"My Lord, I wish to touch on two points in reply. In the first place, if it is known that the district officers will not be able to discharge their functions and as a matter of necessity these powers will have to be delegated to the subordinate officials, it is difficult to understand why the power should be retained at all in the Bill for the district magistrate. Would it not be better in that case to lay down expressly that this power is to be exercised by the superintendent of police or the circle officer? That would have been more proper and people would have known what the position exactly was."

"Then, My Lord, it is said that the quotations that have been made from the report of the District Administration Committee show that the circle officer is an essential factor in the scheme of village self-government which is sought to be developed by the Bill before us. That is a point, my Lord, on which we have not of course agreed. I only submit this that I am sure some years after it will be realised that if the very good effort made by Government to develop the village self-government fails, it will only fail on account of the institution of their clan of circle officers."

The motion was then put and lost.

AMENDMENT No. 217.

The following motion was held to be covered by the decision on the previous motion and was deemed to be withdrawn :—

The Hon'ble Babu Kishori Mohan Chaudhuri to move that the reference to "circle officer" in item 4 and in item 5 of schedule III, be omitted.

AMENDMENT No. 218.

The following motion was, by leave of the President, withdrawn :—

The Hon'ble Maulvi Abul Kasem to move that for the words "twenty rupees" in the last line of item 4 of part A of Schedule IV, the words "twenty-five rupees" be substituted.

*The Bengal Village Self-Government Bill, 1919.**Babu Akhil Chandra Datta; Sir Henry Wheeler.***AMENDMENT No. 219.**

The Hon'ble Babu Akhil Chandra Datta moved that for the word and figures "and 411", at the end of item 4 of Part A of Schedule IV, the figures and word "411, 456 and 457" be substituted.

He said :—

"My Lord, this schedule (IV) defines the offences triable by a union bench. Item 4 gives a list of some sections of the Indian Penal Code under which the offences will be triable by a union bench. In this case I do not ask for any substitution but propose the addition of two more offences, these offences being under sections 456 and 457 of the Indian Penal Code, *namely*, the offences of lurking, house-trespass or house-breaking by night; in section 457 there is an additional element that the offences may be committed with the object of committing some offence. The object why I have made this proposal is that from our experience, we know—and that is also corroborated by the report of the Police Department—that this class of cases, *viz.*, of house-trespass and house-breaking by night, is by the very nature of the offences such that it is very difficult for the police to detect the criminals. Of course, in some cases the offenders are caught redhanded in the very act of committing these offences and they are detected, without the help of police. But in cases where the offenders are not detected red-handed, it is very difficult for the police to make the detection, not because the police are inefficient, nor because the police are corrupt, but because from the very nature of the offence it is very difficult for them to do so. If there is a case of house-breaking, the offence is committed at dead of night, and as there are no eye-witnesses to prove the crime it is impossible for the police to find out the criminals. This fact is corroborated by the result of the police investigation as shown in the reports of the Police Department. Therefore, it is believed by some people who have got experience of this matter that these offences might very well be transferred from the jurisdiction of the police to the jurisdiction of the village benches—in the sense that they will have jurisdiction if the aggrieved party wants to go to the village courts and the union bench consisting of members of the village and of the locality, they will be in a better position to do justice to cases under this clause than other people. That is the object of this amendment."

The Hon'ble Sir Henry Wheeler said :—

"My Lord, schedule IV, Part A of the Bill defines the cases which shall be triable by the union bench if committed within their jurisdiction. It was deliberately drawn on cautious lines as this experiment of union benches is new. They have yet got to be tested and prove their capacity, and it was not thought expedient to entrust them, especially at the outset, with the trial of cases of much importance. If we accept the amendment we should ordinarily make triable by them the offences of lurking house-trespass by night, and house-breaking by night with intent to commit an offence punishable with imprisonment. These may be very serious offences. In form, too, the amendment is defective as it would make these offences triable when the value of the property in the opinion of the union bench is not over Rs. 20, but the element of property might not necessarily come into these two sections, and if not, I am not quite clear how the amendment would be construed. But my main objection is that these are important offences which very often involve previously convicted bad characters for whom the limit of punishment which the union bench can give would be quite inappropriate. For these reasons, I would prefer not to go beyond the schedule as now framed. In what way this change would facilitate the detection of these offences, I do not

*The Bengal Village Self-Government Bill, 1919.**Babu Akhil Chandra Datta ; The President ; Maulvi Abul Kasem.*

understand. I fail to appreciate the Hon'ble Member's argument, and if my memory is not at fault, I think he opposed a suggestion that the chaukidar should have power to arrest a person found in possession of an implement of house-breaking, among others, which is far more in the direction of prevention than the trial of the case. The trial of the case presupposes that the accused has already been caught."

The Hon'ble Babu Akhil Chandra Datta said :—

"I do not think any useful purpose will be served by additional observations. I therefore beg to withdraw this amendment."

The motion was then, by leave of the President, withdrawn.

AMENDMENTS Nos. 220 AND 221.

The President said :—

"The next two amendments Nos. 220 and 221 have got misplaced. Amendment 221 will be taken up first and then 220."

Amendment No. 221 was as follows :—

The Hon'ble Maulvi Abul Kasem to move that after item 4 of Part A of Schedule IV the following be inserted, namely :—

"5. Cases under sections 133 and 145 of the Code of Criminal Procedure, 1898."

The Hon'ble Maulvi Abul Kasem said :—

"My Lord, I am told that it will be unwise to invest the union boards with these extensive powers which I propose to give them by this amendment ; therefore, I do not think I will be justified in detaining the Council over this amendment."

The motion was then, by leave of the President, withdrawn.

Amendment No. 220 was as follows :—

Also to move that for the words "twenty rupees", in lines 4 and 5 of Part B of Schedule IV, the words "fifty rupees" be substituted.

The Hon'ble Babu Akhil Chandra Datta said :—

"I want to follow the footsteps of my friend the Hon'ble Maulvi Abul Kasem and withdraw this amendment."

The motion was then, by leave of the President, withdrawn.

LIST OF BUSINESS—ITEM No. 4.

The Hon'ble Sir Henry Wheeler moved that the Secretary be directed to re-number the clauses and sub-clauses of the Bill in consecutive order and to make corresponding alterations in all cross-references thereto.

The motion was put and agreed to.

LIST OF BUSINESS—ITEM No. 5.

The Hon'ble Sir Henry Wheeler also moved that the Bill, as settled in Council, be passed.

*The Bengal Village Self-Government Bill, 1919.**Sir Deba Prasad Sarbadhikari; The President.*

He said :

"After the lengthy discussions of the last two days, I do not propose to make a speech, but would merely put the motion as it stands."

The Hon'ble Sir Deba Prasad Sarbadhikari said :—

"My Lord, before the motion is put to the vote, I desire in person to congratulate your Excellency's Government, and your Excellency in particular on the fairly smooth passage of this Bill through the Council. It was resubmitted to the Select Committee, a procedure which, at one time it was thought, would mean a great deal of delay. Fortunately that apprehension has proved to be unfounded and by this somewhat unusual procedure the ground was considerably cleared. By bringing your Excellency's Government into 'the court' of the Select Committee, we have got our 10 per cent. 'discount' and a great many amendments have been accepted. If we have not done better it is more our misfortune than our fault. Non-official members have rarely been in their places and have freely deferred from one another. As I had occasion to point out and claim before, we are guided by individual judgment and do not favour *cliques* and *caucuses*. We have also done our very best to do away with misapprehensions in the minds of your Excellency's Government that there would be delay and obstructiveness. Whatever may be our different points of view, this Bill will be the first step towards that great goal of self-government towards which we are all looking forward, each in our own individual way. Your Excellency on assumption of office made this measure your particular care and I congratulate your Excellency on the successful ending of your worthy labour. When the Reforms Scheme comes into operation, we shall have the initial means ready to begin this new and great service of the country."

The motion was then put and agreed to.

The President said :—

"It is usual for the President to say a few words at the conclusion of the session as to the work which has been done. We have just had three rather long and strenuous days and I propose, therefore, to be very brief in such remarks as I shall make in regard to the past session. The Council, I think, may congratulate itself upon the most fruitful session from the legislative point of view which it has enjoyed for some years past. Several Bills have reached the Statute Book and one or two are very nearly there. Our old and familiar friend, the Calcutta Hackney Carriage Bill, has at last become the Calcutta Hackney Carriage Act. Even though we may not all of us appreciate the actual benefits which that measure confers upon the community, I am sure that for other reasons we are thankful to think that it has passed beyond the purview of this Chamber. Another measure of value, though not a very large measure, for which the Council have been responsible during the past session, is the Bengal Tenancy Amendment Act of 1919, upon the passage of which I would congratulate both the Hon'ble Mr. Cumming and the members of this Council.

Then I must make a passing reference to two measures, the passage of which marks a new stage, I think, in the development of legislative practice in this country. I refer to the Juvenile Smoking Act of 1919 and to the Bengal Primary Education Bill, the latter of which has passed this Council and is now awaiting the sanction of His Excellency the Viceroy. I say that these two measures mark a fresh stage in the legislative practice of this country, because they are, I believe, the first enactments for which private members of the Bengal Legislative Council have been responsible. I would like to take this opportunity of congratulating the authors of these two Bills—

*The Bengal Village Self-Government Bill, 1919.**The President.*

Hon'ble Dr. Shurawardy, the author of the Juvenile Smoking Bill and the Hon'ble Babu Surendra Nath Ray, the author of the Bengal Primary Education Bill, upon the passage of these two measures. Both of them have valuable possibilities. There may be some difference of opinion as to the extent to which the various authorities, who will be authorized under the Juvenile Smoking Act, to adopt a punitive attitude towards small boys, will put it into practice. At any rate the passage of the Act establishes the principle that it is one of the duties of the legislature to assist the public to bring about such changes in the habits of the people as it believes to be desirable and salutary. With regard to the Bengal Primary Education Bill, I should like to express my personal satisfaction, and, I think, I may say the satisfaction of my Government, at the passage of that measure. The whole question of primary education was under the consideration of the Bengal Government, and in particular of my Hon'ble Colleague the Maharajadhiraja Bahadur of Burdwan, when this Bill was introduced, and the Bill, as amended by the Select Committee, fitted in so well with the views which we had formed as to the best methods of proceeding with a view to extending primary education in Bengal, that we accepted it with satisfaction and gratitude. I believe that a large step in advance will be made in the direction of extending primary education as a result of the provisions of the measure.

One other Bill has advanced appreciably during the past session and that is the Food Adulteration Bill, another measure to which both the Government, and, I am sure, the Hon'ble Members of this Council, attach great importance. The report of the Select Committee upon the Bill has been presented, and I hope that it will be possible for us to take it into consideration during the forthcoming summer session of the Council.

Finally, we have this afternoon concluded our labours upon the Village Self-Government Bill, and I would express my appreciation of the kindly remark which fell from the Hon'ble Sir D. P. Sarbadhikary when the Bill was on the point of being accepted by the Council a few moments ago.

I should like also to express my thanks to the many Hon'ble Members of this Council for the assistance and co-operation which they have given us in giving this measure its final shape. In particular I would like to express my thanks to the members of the Select Committee for giving so much time and so much labour to the matter. It would be ungrateful of me also if I were not to take this opportunity of expressing to the Hon'ble Sir Henry Wheeler my thanks for the immense amount of time and labour which he has given to the measure. That time and labour has been over and above the time and labour which he has to devote to his ordinary duties. But for the unfortunate illness of the Maharajadhiraja Bahadur of Burdwan the Bill would have been conducted through the Council by him. I mention that because I think it is only fair to Sir Henry Wheeler who has had very heavy additional duties thrown upon his shoulders, that we should express to him our thanks and appreciation for the courteous manner in which he has discharged his duties.

That I think is all that I need say about our legislative output. As I have said I think it is the most useful legislative output for which this Council has been responsible for a good many years past.

So far as the other functions of this Council are concerned, namely, the criticism of the executive Government, I think Hon'ble Members may look back on a satisfactory session. They have moved a number of resolutions on matters of general importance, some 24 in all, and they have moved some 34 resolutions on the Financial Statement, they have also displayed a laudable desire for information by asking a number of questions, some 360

*The Bengal Village Self-Government Bill, 1919.**The President.*

in all. The Government have at all times done their best to supply the information which has been asked for in these questions. I may point out that the mere figure of 360 does not by any means indicate the real number of question asked, since a single question is very often divided up into a very large number of sub-heads, and I should say that the actual number of questions asked was nearer 1,500 or 2,000 than the number suggested by the official figures.

There is only one other piece of work to which I need make reference and that is the special session of the Council which was held in November last for the consideration of the Reform Scheme. Hon'ble Members will remember that a committee of non-official members of this Council was appointed as a result of that special meeting in order that they might consider the Reform Scheme and report to Government their opinions upon it. As a result of their labours the Government had placed in their hands a useful and interesting document which clearly indicated to them the views which non-official members of this Council take with regard to the different aspects of the Reform Scheme, and we are proportionately grateful to them for the time and trouble which they took in preparing their report.

It only remains for me to wish you a pleasant vacation until we next meet at a later period of the summer.

ADJOURNMENT.

"The Council now stands adjourned *sine die*."

A. M. HUTCHISON,

*Secy. to the Government of Bengal and
Secy. to the Bengal Legislative Council (Offy.).*

CALCUTTA,

The 9th May, 1919.

The Calcutta Gazette.

PUBLISHED BY AUTHORITY.

WEDNESDAY, MARCH 12, 1919.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Acts of the Indian Legislative Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Indian Legislative Council received the assent of the Governor General on the 26th February, 1919, and is hereby promulgated for general information :—

ACT NO. I OF 1919.

An Act to extend the powers of local authorities in regard to the granting of pensions and gratuities.

WHEREAS it is expedient to extend the powers of local authorities in regard to the granting of pensions and gratuities; It is hereby enacted as follows :—

1. (1) This Act may be called the Local Authorities Pensions and Gratuities Act, 1919.

(2) It extends to the whole of British India, including the Sonthal Parganas.

2. In this Act "officer" means any person who has undertaken the service of Government and who, immediately prior to undertaking such service, was paid and employed solely by a local authority and, but for undertaking such service, would in the ordinary course have continued in such employment.

3. Notwithstanding anything contained in any enactment or in any rule made thereunder regulating the powers of local authorities, and without prejudice to any powers conferred by or under any such enactment, a local authority may grant a pension or gratuity to any officer thereof who may, since the fourth day of August, 1914, have been wounded or otherwise incapacitated in the service of Government, and to the widow or child of any such officer who may

have died in consequence of injuries received or illness contracted since the fourth day of August, 1914, in the course of such service.

4. (1) Such pension or gratuity may be granted in addition to any pension or gratuity payable to the officer or his wife or child, as the case may be, under any general or special orders of His Majesty in Council or of the Governor General in Council, but shall not, save with the sanction of the Governor General in Council, exceed the amount of the pension or gratuity to which the officer or his wife or child would have been entitled under any such orders if his employment by the local authority had been service for the same time and on the same pay under Government.

(2) Any pension granted under this Act may be made to take effect from such date subsequent to the fourth day of August, 1914, and subject to such conditions as the local authority may think fit.

5. Subject to the provisions of this Act, the decision of a local authority to grant a pension or gratuity thereunder shall be made in such manner and shall be subject to such sanction as may be prescribed by any enactment or rule regulating the grant by such local authority of pensions and gratuities :

Provided that in every case the sanction of the Local Government shall be necessary.

H. M. SMITH,

Offg. Secretary to the Government of India.

The Calcutta Gazette.

PUBLISHED BY AUTHORITY.

WEDNESDAY, MARCH 26, 1919.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Acts of the Indian Legislative Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Indian Legislative Council received the assent of the Governor General on the 12th March, 1919, and is hereby promulgated for general information :—

ACT NO. II OF 1919.

*An Act further to amend the Indian Paper
Currency (Amendment) Act, 1917.*

WHEREAS it is expedient further to amend the Indian Paper Currency (Amendment) Act, 1917; XIX of 1917. It is hereby enacted as follows :—

1. This Act may be called the Indian Paper Currency (Amendment) Act, 1919.
Short title.
2. In section 2 of the Indian Paper Currency (Amendment) Act, 1917, XIX of 1917, for the words "six hundred and sixty millions," the words "eight hundred millions" shall be substituted.
Amendment of section 2, Act XIX of 1917.
3. The Indian Paper Currency (Amendment) Act, 1918, and the Indian Paper Currency (Amendment) Ordinance, 1918, are hereby repealed.
Repeal of Act VI of 1918, and Ordinance III of 1918.

H. M. SMITH,

Offg. Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Indian Legislative Council received the assent of the Governor General on the 12th March, 1919, and is hereby promulgated for general information :—

Act No. III of 1919.

An Act to extend the operation of the Motor Spirit (Duties) Act, 1917.

WHEREAS it is expedient to extend the operation of the Motor Spirit (Duties) Act, 1917; It is hereby enacted as follows :—

1. This Act may be called the Motor Spirit (Duties) Amendment Act, 1919.
Short title.
2. In section 1 of the Motor Spirit (Duties) Act, 1917, the word "and" at the end of sub-section (2) and the whole of sub-section (3) shall be omitted.
Amendment of section 1, Act II of 1917.

H. M. SMITH,

Offg. Secretary to the Government of India.

GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

The following Act of the Indian Legislative Council received the assent of the Governor General on the 12th March, 1919, and is hereby promulgated for general information :—

ACT NO. IV OF 1919.

An Act to amend the Indian Income-tax Act, 1918.

WHEREAS it is expedient to amend the Indian Income-tax Act, 1918; It is hereby enacted as follows :—

1. (1) This Act may be called the Indian Income-tax (Amendment) Act, 1919.

(2) It shall come into force on the first day of April, 1919.

2. In the proviso to sub-section (2) of section 14 of the Indian Income-tax Act, 1918 (hereinafter referred to as the said Act), for the word "one" the word "two" shall be substituted.

3. In sub-section (4) of section 18 of the said Act, for the figures, brackets and word "17 (1), (2) or (3)", the figures, brackets and word "17 (1) or (2)" shall be substituted.

4. For Schedule I to the said Act, the following Schedule shall be substituted, namely :—

"SCHEDULE I.

(See section 14.)

RATES OF TAX.

	Rate.
I.—When the taxable income is less than Rs. 2,000.	Nil.
II.—When the taxable income is Rs. 2,000 or upwards, and	
(a) The total income is less than Rs. 5,000.	Five pies in the rupee.

RATES OF TAX.

	Rate.
(ii) The total income is Rs. 5,000 or upwards, but is less than Rs. 10,000.	Six pies in the rupee.
(iii) The total income is Rs. 10,000 or upwards, but is less than Rs. 25,000.	Nine pies in the rupee.
(iv) The total income is Rs. 25,000 or upwards.	One anna in the rupee."

5. For Schedule II to the said Act, the following Schedule shall be substituted, namely :—

"SCHEDULE II.

(See section 37.)

RATES OF REFUND.

Amount.	Refund.
1. Less than Rs. 2,000 .	One anna in the rupee.
2. Rs. 2,000 or upwards, but less than Rs. 5,000	Seven pies in the rupee.
3. Rs. 5,000 or upwards, but less than Rs. 10,000.	Six pies in the rupee.
4. Rs. 10,000 or upwards, but less than Rs. 25,000.	Three pies in the rupee."

6. In the said Act, sub-section (3) of section 17 Chapter III, and in section 35 the words "or in a notice or order under section 30" are hereby repealed :

Provided that such repeal shall not affect the liability of any person to pay any sum due from him or any existing right of refund under the said Act.

H. M. SMITH,

Offg. Secretary to the Government of India.

The Calcutta Gazette.

PUBLISHED BY AUTHORITY.

WEDNESDAY, APRIL 2, 1919.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Acts of the Indian Legislative Council assented to by the Governor General.

GOVERNMENT OF INDIA. LEGISLATIVE DEPARTMENT.

The following Act of the Indian Legislative Council received the assent of the Governor General on the 19th March, 1919, and is hereby promulgated for general information :—

ACT No. V of 1919.

An Act to make provision to determine the date of the termination of the present war and for purposes connected therewith.

WHEREAS it is expedient to make provision to determine the date of the termination of the present war and for purposes connected therewith; It is hereby enacted as follows :—

1. This Act may be called the Termination of the Present War (Definition) Act, 1919.

2. For the purposes of any provision in any enactment or in any notification or rule issued or made thereunder, and, except when the context otherwise requires, of any provision in any

Date of termination of present war to be such as may be declared by His Majesty in Council.

contract, deed or other instrument referring, expressly or impliedly, and in whatever form of words, to the present war or the present hostilities,—

(1) the present war shall be treated as having continued to and as having ended on such date as His Majesty in Council may declare in that behalf in pursuance of the provisions of the Termination of the Present War (Definition) Act, 1918, and

(2) the date of the termination of war between His Majesty and any particular State shall be the date similarly declared under sub-section (3) of section 1 of the said Act.

S & P Geo.
V., c. 50.

H. M. SMITH,
Offg. Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Indian Legislative Council received the assent of the Governor General on the 19th March, 1919, and is hereby promulgated for general information :—

ACT No. VI OF 1919.

An Act further to amend the Indian Oaths Act, 1873.

WHEREAS it is expedient further to amend the Indian Oaths Act, 1873 ; It is hereby enacted^X of 1873. as follows :—

1. This Act may be called the Indian Oaths
Short title. (Amendment) Act, 1919.
2. In section 3 of the Indian Oaths Act, 1873,^X of 1873.
Amendment of section after the word "prescribed,"
3, Act X of 1873. the words "by or under any
Instruction under the Royal Sign Manual of
His Majesty or " shall be inserted.

H. M. SMITH,

Offg. Secretary to the Government of India.

GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

The following Act of the Indian Legislative Council received the assent of the Governor General on the 19th March, 1919, and is hereby promulgated for general information :—

ACT No. VII OF 1919.

*An Act to extend the operation of the Indian
Defence Force Act, 1917.*

WHEREAS it is expedient to extend the operation of the Indian Defence Force Act, 1917; It is hereby enacted as follows :—

1. This Act may be called the Indian Defence Force (Amendment) Act, 1919.
Short title.
2. In sub-section (3) of section 1 of the Indian Defence Force Act, 1917, III of 1917, Amendment of section I, Act III of 1917. for the words "six months" the words "one year" shall be substituted.

H. M. SMITH,
Offg. Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Indian Legislative Council received the assent of the Governor General on the 19th March, 1919, and is hereby promulgated for general information :—

ACT No. VIII OF 1919.

An Act further to amend the Negotiable Instruments Act, 1881.

WHEREAS it is expedient further to amend the Negotiable Instruments Act, 1881; It is hereby enacted as follows :—

1. This Act may be called the Negotiable Instruments (Amendment) Act, 1919.

2. In section 9 of the Negotiable Instruments Act, 1881, (hereinafter called the said Act), for the words "payable to, or to the order of, a payee," the words "payable to order" shall be substituted.

3. For sub-section (1) of section 13 of the said Act, the following sub-section shall be substituted, namely :—

"(1) A "negotiable instrument" means a promissory note, bill of exchange or cheque payable either to order or to bearer.

Explanation (a).—A promissory note, bill of exchange or cheque is payable to order which is

expressed to be so payable or which is expressed to be payable to a particular person, and does not contain words prohibiting transfer or indicating an intention that it shall not be transferable.

Explanation (ii).—A promissory note, bill of exchange or cheque is payable to bearer which is expressed to be so payable or on which the only or last indorsement is an indorsement in blank.

Explanation (iii).—Where a promissory note, bill of exchange or cheque, either originally or by indorsement, is expressed to be payable to the order of a specified person, and not to him or his order, it is nevertheless payable to him or his order at his option."

4. In section 48 of the said Act, for the words "payable to the order of a specified person, or to a specified person or order," the words "payable to order" shall be substituted.

5. In section 121 of the said Act, for the words "payable to, or to the order of, a specified person," the words "payable to order" shall be substituted.

H. M. SMITH,

Offg. Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Indian Legislative Council received the assent of the Governor General on the 19th March, 1919, and is hereby promulgated for general information:—

ACT No. IX OF 1919.

An Act to supplement the Punjab Courts Act, 1918.

WHEREAS it is expedient to supplement the Punjab Courts Act, 1918; It is hereby enacted Punjab Act, VI of 1918.
as follows:—

1. (1) This Act may be called the Punjab Courts (Supplementing) Act, 1919.
Short title and commencement.

(2) It shall come into force on such date as may be notified by the Governor General in Council in this behalf.

2. All suits, appeals, revisions, applications, reviews, executions and other proceedings pending in the Chief Court of the Punjab, whether civil or criminal, pending in the Chief Court of the Punjab, shall be continued and concluded in the High Court of Judicature at Lahore as if the same had been instituted in such High Court; and the High Court of Judicature at Lahore shall exercise the same jurisdiction in relation to all such proceedings as if the same had been instituted and continued in such High Court.

H. M. SMITH,

Offg. Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Indian Legislative Council received the assent of the Governor General on the 20th March, 1919, and is hereby promulgated for general information :—

ACT No. X OF 1919.

An Act to impose a duty on excess profits arising out of certain businesses.

WHEREAS it is expedient to impose a duty on excess profits arising out of certain businesses ; It is hereby enacted as follows :—

1. (1) This Act may be called the Excess Profits Duty Act, 1919.

(2) It shall come into force on the 1st April, 1919.

2. In this Act, unless there is anything repugnant in the subject or context,—

"accounting period" means the twelve months ending on the 31st March, 1919, or if the accounts of the business have been made up within the said twelve months for the purposes of the Indian Income-tax Act, 1918, in respect of a year ending on any date other than the said 31st March, then the year ending on that other date ;

"business" includes any trade, commerce or manufacture, or any adventure or concern in the nature of trade, commerce or manufacture ;

"Chief Revenue-authority" means the Board of Revenue or the Financial Commissioner in provinces where those authorities exist, and in any other case such authority as the Local Government may declare to be the Chief Revenue-authority for the purposes of this Act ;

"prescribed" means prescribed by rules made under this Act.

All expressions used or embodied by reference in this Act which are not hereinbefore defined shall have the same meaning as is attributed to them by the Indian Income-tax Act, 1918.

3. This Act shall apply to every business (other than the businesses specified in Schedule I) which is, during any part of the accounting period, either carried on in British India by any person or owned or carried on in any place in India by a person ordinarily resident in British India.

4. Subject to the provisions of this Act, there shall, in respect of any business to which this Act applies, be charged, levied and paid on the amount by which the profits in the accounting period exceed the standard profits, a duty (in this Act referred to as "excess profits duty") of an amount equal to fifty per cent. of that excess :

Provided that the amount of the said duty shall not exceed such sum as would reduce the

profits in the accounting period below thirty thousand rupees.

5. The profits of a business in the accounting period shall, at the option of the person by whom the excess profits duty in respect of that business is payable be or be deemed to be,—

(a) the taxable income as finally ascertained for the purposes of the Indian Income-tax Act, 1918, or

(b) when the accounting period in respect of the business ends on any date other than the 31st March, 1919, and the accounts of the business are made up for an additional period ending on the said 31st March, a sum which bears the same proportion to the taxable income of the total period (such taxable income being ascertained as nearly as may be in accordance with the provisions of the said Act) as a period of one year bears to the total period.

Explanation.—The profits in the accounting period shall, notwithstanding any composition in force for the purposes of the said Act, be actually ascertained in accordance with the provisions of that Act.

6. (1) The standard profits of a business shall be as follows :—

(a) an amount calculated at the rate of 10 per cent. or at such rate not being less than 10 per cent. as may be prescribed, on the capital of the business as existing at the end of the accounting period, in which case the capital of the business shall, for the purposes of this Act, be ascertained in accordance with the provisions of Schedule II ; or

(b) at the option of the person by whom excess profits duty in respect of the business is payable—

(i) if the profits of the business have been assessed in the years 1913 and 1914 for the purposes of the income-tax law then in force—the aggregate of half of the profits so assessed and half of the interest, if any, received in those years on securities forming part of the assets of the business ; or

(ii) if the profits of the business have been assessed for the said

purposes in the years 1913 and 1914, and in two only of the three years 1915, 1916 and 1917—the aggregate of one-fourth of the profits so assessed and one-fourth of the interest, if any, received in the same four years on securities forming part of the assets of the business ; or

- (iii) if the profits of the business have been assessed for the said purposes in all the five years 1913, 1914, 1915, 1916 and 1917—the aggregate of one-fourth of the profits assessed in the years 1913 and 1914 and in such two of the years 1915, 1916 and 1917 as may be selected by the said person and one-fourth of the interest, if any, received in the same four years on securities forming part of the assets of the business :

Provided that if the average capital employed in the business in the years adopted for the purpose of determining the standard profits is less or more than the capital so employed at the end of the accounting period there shall be made to or from the standard profits an addition or a deduction, as the case may be, which shall bear to the standard profits the same proportion as such increase or decrease of capital bears to the average capital so employed in the years so adopted.

Explanation.—For the purpose of ascertaining the average capital employed, the capital employed in the business in any year shall be deemed to be the capital so employed at the end of that year :

Provided further that if the assessment in any of the said years was made in respect of a period of less than twelve months, that assessment shall, for the purpose of determining the standard profits, be proportionately increased.

(2) If a composition for income-tax was in force in any of the years 1913, 1914, 1915, 1916 and 1917, such composition shall be deemed for the purposes of clause (b) of sub-section (1) to have been the assessment and the profits shall be determined in accordance therewith :

Provided that the person by whom excess profits duty in respect of the business is payable shall, notwithstanding any such composition, be entitled to have an assessment of the profits of the business made for the purpose of determining the standard profits, in the same way as the assessment would have been made if no such composition had been agreed upon.

(3) Each of the years referred to in sub-sections (1) and (2) shall be deemed to be the twelve months commencing with the 1st of April in the year mentioned.

(4) Notwithstanding anything contained in this section no increase of capital made after the

31st December, 1918, shall be taken into account in any case, and no such increase before that date shall be taken into account when it appears or to the extent to which it appears that the increase was made with intent to evade or has the effect of evading the payment of the excess profits duty.

7. On the application (made in accordance with the provisions of clause (b) of sub-section (2) of section 11) of any person chargeable with excess profits duty alleging that, owing to any of the following circumstances, namely :—

- (a) any change in the constitution of a partnership of which he is or was a member,
- (b) any postponement or suspension, as a consequence of the present war, of renewals or repairs,
- (c) any exceptional depreciation or obsolescence (including the cost of replacement during the accounting period) due to the present war of assets employed in the business,
- (d) the provision in connection with the requirements of the present war of plant or machinery which will not be required for the purposes of the business after the termination of the war,
- (e) the fact that the assets of the business consist to any material extent of shares in a company the business of which is itself chargeable to excess profits duty,
- (f) the liability of any part of the profits of the business to excess profits duty in the United Kingdom, or
- (g) any special circumstances connected with the nature of the business or the period for which any profits are ascertained or determined,

the provisions of this Act for the calculation of excess profits duty operate unfairly in his case, the Collector may make such allowances in calculating the amount of the duty as seem to him to be necessary to meet the special circumstances, provided that any such allowance shall not reduce the amount of duty payable under the provisions of the Act by more than twenty-five per cent. without the previous sanction of the Commissioner.

8. (1) If any person who has applied under section 7 is dissatisfied with the decision of the Collector on his application, he may appeal to the Chief Revenue-authority which shall, at the option of such person, either itself decide such appeal or refer it to a Board of Referees to be appointed by the Local Government. The Board shall hear and consider any appeal so referred and shall communicate its decision to the Chief Revenue-authority.

(2) The Chief Revenue-authority and the Board shall be entitled to take into account any of the circumstances specified in section 7, and to modify the decision of the Collector with reference thereto in such way and to such extent as they may consider just and equitable.

(3) Every Board of Referees appointed under this section shall consist of three or, in cases which the Local Government considers to be of difficulty or importance, of four persons. When the Board consists of four persons, the Local Government shall appoint one of the members to be Chairman. In any case at least two members of

the Board shall be persons not in the service of Government and having in the opinion of the Local Government adequate business experience.

(4) In case of a difference of opinion between the members of the Board, the opinion of the majority shall prevail. When the Board consists of four members and the members are equally divided in opinion, the Chairman shall have a second or casting vote.

(5) The decision of the Chief Revenue-authority on any appeal under this section or of the Board where an appeal is referred to it shall, notwithstanding any other provision of this Act be final, and shall be deemed to be the basis of assessment in the particular case.

9. (1) The Governor General in Council may, on the application made before the 30th June, 1919, of any person alleging that owing to special circumstances to be stated in the application the provisions of this Act for the calculation of excess profits duty would operate unfairly in the case of any class of business in which such person is engaged, refer such application for the report of a Board of special Referees to be appointed in this behalf by the Governor General in Council.

(2) Every Board appointed under this section shall consist of four persons, of whom at least two shall be persons not in the service of Government. The Governor General in Council shall appoint one member to be Chairman.

(3) On receipt of the report of the Board, the Governor General in Council shall consider the same and pass thereon such orders as he thinks fit. Any such order may vary the basis or method of assessment in respect of the class of business so reported on, and any variations so made shall be deemed to be modifications of this Act in respect of the matters to which they relate, and this Act shall apply accordingly.

10. Every liquidator of a company which is being wound up at the commencement of this Act or is wound up after the commencement of this Act and which is chargeable to excess profits duty shall before the 31st May 1919, or within two months of the commencement of the winding up, as the case may be, give notice of the fact to the Collector.

11. (1) The Collector may, for the purposes of this Act, require any person whom he believes to be engaged in any business to which this Act applies, or to have been so engaged during the accounting period or in the year ending on the 31st March, 1912, or on the 31st March in any year thereafter, to furnish him within two months after service upon him of a notice to that effect with such particulars in connection with the business as the Collector may require.

(2) At the time of furnishing such particulars such person shall—

(a) state the method which he desires to be adopted for the purpose of—

- (i) ascertaining the profits of the business in the accounting period under section 5, and
- (ii) determining the standard profits under section 6, and

(b) make any application which he desires to make under section 7 for an allowance in the calculation of the amount of the excess profits duty.

(3) Where any person fails, without reasonable cause or excuse, to comply with the provisions of clause (a) of sub-section (2), the Collector shall proceed to ascertain the profits of the accounting period and to determine the standard profits by such method provided in this Act as he thinks fit.

12. If a person fails, without reasonable cause or excuse, to give to the Collector in due time any notice required by section 10 or to furnish any particulars referred to in section 11, he shall on conviction by a Magistrate be punishable with fine which may extend to thirty rupees for every day during which the default continues.

13. The amount of excess profits duty to be paid in respect of any business shall be assessed by the Collector, who may in any case where he thinks fit allow the duty to be paid in instalments of such amounts payable at such times as he may direct.

14. The duty may be assessed on any person for the time being owning or carrying on the business whether as agent for the owner or otherwise or, where the business has ceased during the accounting period, on the person who owned or so carried on the business immediately before the time at which the business ceased, and where there has been a change of ownership of the business during the accounting period, the Collector shall make the assessment in the prescribed manner.

15. The provisions of sections 20, 21, 22, 23, 24, 26, 27, and of Chapters IV and V and of sections 42, 45, 46, 47 and 49 to 52 of the Indian Income-tax Act, VII of 1918, shall apply, with such modifications, if any, as may be prescribed, as if the said provisions referred to excess profits duty instead of to income-tax, and every officer or authority exercising powers under the said provisions may exercise the like powers under this Act in regard to excess profits duty as he or it exercises in regard to income-tax under the said Act.

Provided that references in the said provisions to the assessee shall be construed as references to a person by whom excess profits duty is payable.

16. Notwithstanding anything contained in the Indian Income-tax Act, 1918, or in any Act repealed thereby, all information contained in any statement or return made or furnished under the provisions of any of the said Acts or obtained or collected for the purposes of any such Act may be used for the purposes of this Act.

17. (1) A person shall not for the purposes of avoiding payment of excess profits duty enter into a fictitious or artificial transaction or carry out any fictitious or artificial operation, and if he has entered into any such transaction or carried out any such operation before the commencement of this Act shall inform the Collector of the nature of the transaction or operation.

Explanation.—For the purposes of this section an artificial transaction or operation includes every device of whatever nature adopted for the purposes of presenting the accounts of a business in a

misleading form or manner with intent to evade or having the effect of evading any obligation imposed by this Act.

(2) If any person acts in contravention of, or fails, without reasonable cause or excuse, to comply with, the provisions of sub-section (1), he shall on conviction by a Magistrate be punishable with fine which may extend to one thousand rupees.

18. (1) The Governor General in Council may, by notification in the Gazette of India, make rules for carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

- (a) the rate to be allowed in respect of any business or class of business for the purpose of clause (a) of sub-section (1) of section 6;
- (b) the procedure to be followed by Boards of Referees appointed under this Act;
- (c) the basis and method of assessment when there has been a change of ownership during any period which can be selected for the purpose of determining standard profits, or during any subsequent period prior to the commencement of this Act; and
- (d) the adaptation to excess profits duty of any of the provisions of the Indian Income-tax Act, 1918, which are made applicable to that duty by section 15.

(3) All rules made under this section shall have effect as if enacted in this Act.

19. Where the profits of any business in the accounting period are chargeable to excess profits duty under the provisions of this Act and to super-tax

Excess profits duty and super-tax to be alternately chargeable.

VII of 1918. under the provisions of the Super-tax Act, 1917, then—

- (1) if the amount chargeable as excess profits duty exceeds that chargeable as super-tax, excess profits duty shall alone be charged, and
- (2) if the amount chargeable as super-tax exceeds that chargeable as excess profits duty, super-tax shall alone be charged,

VIII of 1917. and the provisions of this Act and the Super-tax Act, 1917, shall be construed accordingly.

20. The amount of excess profits duty paid

Excess profits duty in respect of any business shall be allowed as a deduction for the purposes of Act VII of 1918.

at the adjustment made in the year ending on the 31st March, 1920, in respect of the profits of that business for the purposes of section 19 of the Indian Income-tax Act, 1918:

VII of 1918.

Provided that if the amount of excess profits duty payable has not been ascertained at the time when the said adjustment is made the amount by which the income-tax would have been reduced if effect had been given to the deduction shall be deducted from the amount payable for excess profits duty.

SCHEDULE I.

EXEMPTED BUSINESSES.

(See section 3.)

1. Any business the income from which is agricultural income.

2. Offices or employments.

3. Any profession the profits of which are dependent mainly on the personal qualifications of the person by whom the profession is carried on, and in which no capital expenditure is required or only capital expenditure of an amount which is small when compared with the profits which the person carrying on the profession makes:

Provided that the business of any person taking commissions in respect of any transactions or services rendered, or any agent of any description (not being a whole-time officer or servant of the business or a commercial traveller, or an agent whose remuneration consists wholly of a fixed and definite sum not dependent on the amount of business done or any other contingency) shall not be included in this exception.

4. Any business which is liable to pay in respect of the accounting period excess profits duty in the United Kingdom.

5. Any business of which the profits in the accounting period do not exceed thirty thousand rupees.

SCHEDULE II.

ASCERTAINMENT OF CAPITAL.

(See section 6.)

1. The amount of the capital of a business shall, so far as it does not consist of money, be taken to be—

- (a) so far as it consists of assets acquired by purchase, the price at which these assets were acquired, subject to any proper deduction for depreciation or for unpaid purchase money,
- (b) so far as it consists of assets being debts due to the business, the nominal amount of those debts subject to any reduction which has been allowed or is allowable in respect of those debts under the Indian Income-tax Act, VII of 1918, and
- (c) so far as it consists of any other assets which have not been acquired by purchase, the value of the assets at the time when they became assets of the business, subject to any proper deduction for depreciation:

Provided that nothing in this provision shall prevent accumulated profits (other than those made in the accounting period) employed in the business being treated as capital.

2. Any borrowed money or trade debts shall be deducted in computing the amount of capital for the purposes of this Act.

3. Where any asset has been paid for otherwise than in cash, the cost price of that asset shall be taken to be the value of the consideration at the time the asset was acquired, but where the business has been converted into a company and more than two-thirds of the shares in the company are held by the person who was the owner of the business no value shall be attached to those shares, so far as they are represented by good-will or otherwise than by material assets of the company, unless the Collector in special circumstances otherwise directs. Patents and secret processes shall be deemed to be material assets.

H. M. SMITH,

Offg. Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Indian Legislative Council received the assent of the Governor General on the 21st March, 1919, and is hereby promulgated for general information :—

ACT No. XI OF 1919.

An Act to cope with anarchical and revolutionary crime.

WHEREAS it is expedient to make provision that the ordinary criminal law should be supplemented and emergency powers should be exercisable by the Government for the purpose of dealing with anarchical and revolutionary movements ;

And whereas the previous approval of the Secretary of State in Council has been accorded to the making of this law ; It is hereby enacted as follows :—

1. (1) This Act may be called the Anarchical and Revolutionary Crimes Act, 1919 ;

(2) It extends to the whole of British India ; and

(3) It shall continue in force for three years from the date of the termination of the present war.

2. (1) In this Act, unless there is anything repugnant in the subject or context,—

“Chief Justice” means the Judge of highest rank in a High Court ;

“The Code” means the Code of Criminal Procedure, 1898 ;

“High Court” means the highest Court of criminal appeal or revision for any local area ;

“Scheduled offence” means any offence specified in the Schedule.

(2) All words and expressions used in this Act and defined in the Code, and not hereinbefore defined, shall be deemed to have the meanings respectively attributed to them in the Code.

PART I.

3. If the Governor General in Council is satisfied that, in the whole or any part of British India, anarchical or revolutionary movements are being promoted, and that scheduled offences in connection with such movements are prevalent to such an extent that it is expedient in the interests of the public safety to provide for the speedy trial of such offences, he may, by notification in the Gazette of India, make a declaration to that effect, and thereupon the provisions of this Part shall come into force in the area specified in the notification.

4. (1) Where the Local Government is of opinion that the trial of any person accused of a scheduled offence should be held in accordance with the provisions of this Part, it may order any officer of Government to prefer a written information to the Chief Justice against such person.

(2) No order under sub-section (1) shall be made in respect of, or be deemed to include, any person who has been committed under the Code for trial before a High Court or a Court of Session, but, save as aforesaid, an order under that sub-section may be made in respect of any scheduled offence whether such offence was committed before or after the issue of the notification under section 3.

(3) The information shall state the offence charged and so far as known the name, place of residence, and occupation of the accused, and the time and place when and where the offence is alleged to have been committed and all particulars within the knowledge of the prosecution of what is intended to be proved against the accused.

(4) The Chief Justice may by order require any information to be amended so as to supply further particulars of the offence charged to the accused, and shall direct a copy of the information or the amended information, as the case may be, to be served upon the accused in such manner as the Chief Justice may direct.

5. Upon such service being effected, and on application duly made to him, the Chief Justice shall nominate three of the High Court Judges (hereinafter referred to as the Court) for the trial of the information, and shall fix a date for the commencement of the trial :

Provided that, when the total number of Judges of the High Court does not exceed three, the Chief Justice shall nominate not more than two such Judges, and shall complete the Court by the nomination of one or, if necessary, two persons of either of the following classes, namely :—

- (a) persons who have served as permanent Judges of the High Court ; or
- (b) with the consent of the Chief Justice of another High Court, persons who are Judges of that High Court.

6. The Court may sit for the whole or any part of a trial at such place or places in the province as it may consider desirable:

Place of sitting. Provided that if the Advocate-General certifies to the Court that it is in his opinion necessary in the interests of justice that the whole or any part of a trial shall be held at some place other than the usual place of sitting of the High Court, the Court shall, after hearing the accused, make an order to that effect, unless for reasons to be recorded in writing it thinks fit to make any other order. It shall not be necessary for the certificate of the Advocate-General to be supported by any affidavit, nor shall he be required to state the grounds upon which such certificate was given.

7. The provisions of the Code shall apply to proceedings under this Part, in so far as the said provisions are not inconsistent with the provisions of this Part and such proceedings shall be deemed to be proceedings under the Code, and the Court shall have all the powers conferred by the Code on a Court of Session exercising original jurisdiction.

8. (1) The trial shall be commenced by the reading of the information, and thereafter the prosecutor shall state shortly by what evidence he expects to prove the guilt of the accused.

(2) The Court shall then, subject to the provisions of this Part, in trying the accused, follow the procedure prescribed by the Code for the trial of warrant cases by Magistrates.

9. If a charge is framed, the accused shall be entitled to ask for an adjournment for fourteen days, or any less period that he may specify, and the Court shall comply with his request, but, subject to the adjournment provided for by this section, the Court shall not be bound to adjourn any trial for any purpose, unless such adjournment is in its opinion necessary in the interests of justice.

10. The Court shall cause the evidence of each witness who is examined to be recorded in full in such manner as the Court may direct.

11. The Court, if it is of opinion that such a course is necessary in the public interest or for the protection of a witness, may prohibit or restrict in such way as it may direct the publication or disclosure of its proceedings or any part of its proceedings.

12. (1) No questions shall be put by the Court to the accused in the course of a trial under this Part until the close of the case for the prosecution. Thereafter, and before the accused enters on his defence, the Court shall inform the accused that he is entitled, if he so desires, to give evidence on oath on his own behalf, and shall at the same time inform him that if he does so, he will be liable to cross-examination. Unless the accused then states that he desires to give evidence on oath, the Court may at any time thereafter question the accused generally on the case in accordance with the provisions of section 342 of the Code.

(2) If, when so called upon, the accused states that he desires to give evidence on oath, the

Court shall not at any subsequent stage put any question to him:

Provided that if the accused does not so give evidence, then, after the witnesses for the defence have been examined, the Court may question the accused generally on the case in accordance with the provisions of the said section.

(3) The failure of the accused to give evidence on oath shall not be made the subject of any comment by the prosecution, nor shall the Court draw any inference adverse to the accused from such failure.

(4) If the accused gives evidence on oath, the following rules shall be observed, namely:—

(a) He may be asked any question in cross-examination notwithstanding that it would tend to criminate him as to the offence charged.

(b) He shall not be asked, and if asked shall not be required to answer, any question tending to show that he has committed or been convicted of, or has been charged with, any offence other than that with which he is then charged, or has a bad character, unless—

(i) proof that he has committed or been convicted of such other offence is admissible evidence to show that he is guilty of the offence, with which he is then charged, or

(ii) witnesses for the prosecution have been cross-examined with a view to establish his own good character, or he has given evidence of his good character, or the nature or the conduct of the defence is such as to involve imputations on the character of the witnesses for the prosecution, or

(iii) he has given evidence against any other person charged with the same offence.

(c) Unless otherwise ordered by the Court, he shall give his evidence from the witness-box or other place from which the other witnesses give their evidence.

13. If the accused or any one of the accused calls and examines any witness, the right of final reply shall lie with the prosecution, but in all other cases with the accused:

Provided that the examination of an accused as a witness shall not of itself confer the right of final reply on the prosecution.

14. In the event of any difference of opinion among the members of the Court, the opinion of the majority shall prevail.

15. At any trial under this Part the accused may be charged with and convicted of any offence against any provision of the law which is referred to in the Schedule.

16. The Court may pass upon any person convicted by it any sentence authorised by law for the punishment of the offence of which such person

is convicted, and no order of confirmation shall be necessary in the case of any sentence passed by it :

Provided that a sentence of death shall not be passed upon any accused person in respect of whose guilt there is a difference of opinion among the members of the Court.

17. The judgment of the Court shall be final and conclusive and, notwithstanding the provisions of the Code or of any other law for the time being in

Exclusion of interference of other criminal Courts.

force, or of anything having the force of law by whatsoever authority made or done, there shall be no appeal from any order or sentence of the Court, and no High Court shall have authority to revise any such order or sentence or to transfer any case from such Court, or to make any order under section 461 of the Code or have any jurisdiction of any kind in respect of any proceedings under this Part :

Provided that nothing in this section shall be deemed to affect the powers of the Governor General in Council or of the Local Government to make orders under section 401 or section 402 of the Code in respect of any person sentenced by the Court.

18. (1) Notwithstanding anything to the contrary contained in the Indian Evidence Act, 1872, where—

of 1872.

(a) the statement of any person has been recorded by a Magistrate, and such statement has been read over and explained to the person making it and has been signed by him, or

(b) the statement of any person has been recorded by the Court, but such person has not been cross-examined,

such statement may be admitted in evidence by the Court if the person making the same is dead or cannot be found or is incapable of giving evidence, and it is established to the satisfaction of the Court that such death, disappearance or incapacity has been caused in the interests of the accused.

(2) Depositions recorded under section 512 of the Code may, in the circumstances specified in that section, be given in evidence at the trial of an accused under this Part.

19. In case of any reconstitution of the Court during the trial, the Court on reconstitution of so reconstituted shall, if the accused so desires, recall and re-hear any witness who has already given evidence in the case.

20. The Chief Justice may from time to time make rules providing for—

(1) the appointment and powers of a President of the Court, and the procedure to be adopted to complete the Court in the event of any Judge of the Court being prevented from attending throughout the trial of an accused ; and

(2) any matters (including the intermediate custody of the accused and his release on bail) which appear to him necessary for carrying into effect or supplementing the provisions of this Part preliminary or ancillary to trials.

PART II.

21. If the Governor General in Council is satisfied that anarchical or revolutionary movements, which are, in his opinion, likely to lead to the commission of scheduled

offences are being extensively promoted in the whole or any part of British India, he may, by notification in the Gazette of India, make a declaration to that effect, and thereupon the provisions of this Part shall come into force in the area specified in the notification.

22. (1) Where, in the opinion of the Local Government, there are reasonable grounds for believing that any person is or has been actively concerned in such area in any movement of the nature referred to in section 21, the Local Government may place all the materials in its possession relating to his case before a judicial officer who is qualified for appointment to a High Court and take his opinion thereon. If, after considering such opinion, the Local Government is satisfied that action under the provisions of this section is necessary, it may by order in writing containing a declaration to the effect that such person is or has been actively concerned in such area in any movement of the nature referred to in section 21, give all or any of the following directions, namely : that such person—

(a) shall, within such period as may be specified in the order, execute a bond with or without sureties undertaking, for such period not exceeding one year as may be so specified, that he will not commit, or attempt or conspire to commit, or abet the commitment of, any offence against any provision of the law which is referred to in the Schedule ;

(b) shall notify his residence and any change of residence to such authority as may be so specified ;

(c) shall remain or reside in any area in British India so specified :

Provided that, if the area so specified is outside the province, the concurrence of the Local Government of that area to the making of the order shall first have been obtained ;

(d) shall abstain from any act so specified which, in the opinion of the Local Government, is calculated to disturb the public peace or is prejudicial to the public safety ; and

(e) shall report himself to the officer in charge of the police-station nearest to his residence at such periods as may be so specified.

(2) Any order under clauses (b) to (e) of sub-section (1) may also be made to take effect upon default by the person concerned in complying with an order under clause (a) of that sub-section.

23. An order made under section 22 shall be served on the person in respect of whom it is made in the manner provided in the Code for service of summons, and upon such service such person shall be deemed to have due notice thereof.

24. The Local Government and every officer of Government to whom a copy of any order made under section 22 may be directed by, or under the general or special authority of, the Local Government, may use all means reasonably necessary to enforce compliance with the same.

25. An order made under section 22 shall only continue in force for a period of one month, unless it is extended by the Local Government as hereinafter provided in this Part.

Interim nature of order made by Local Government.

26. (1) When the Local Government makes an order under section 22, such Government shall, as soon as may be, forward to the investigating authority to be constituted under this Act a concise statement in writing setting forth plainly the grounds on which the Government considered it necessary that the order should be made, and shall lay before the investigating authority all material facts and circumstances in its possession relevant to the inquiry.

(2) The investigating authority shall then hold an inquiry *in camera* for the purpose of ascertaining what, in its opinion, having regard to the facts and circumstances adduced by the Government, appears against the person in respect of whom the order has been made. Such authority shall in every case allow the person in question a reasonable opportunity of appearing before it at some stage in its proceedings and shall, if he so appears, explain to him the nature of the charge made against him and shall hear any explanation he may have to offer, and shall make such further investigation (if any) as appears to such authority to be relevant and reasonable.

Provided that—

- (a) nothing in this sub-section shall be deemed to entitle the person whose case is before the investigating authority to appear or to be represented before it by pleader, nor shall the Local Government be so entitled;
- (b) the investigating authority shall not disclose to the person in question any fact the communication of which might endanger the public safety or the safety of any individual;
- (c) if the person in question requests the investigating authority to secure the attendance of any person or the production of any document or thing, such authority shall, unless for reasons to be recorded in writing it deems it unnecessary so to do, cause such person to attend or such document or thing to be produced, and for that purpose shall have all the powers conferred on a District Magistrate in respect of those matters by the Code.

(3) Subject to the provisions of sub-section (2) the inquiry shall be conducted in such manner as the investigating authority considers best suited to elicit the facts of the case; and in making the inquiry, such authority shall not be bound to observe the rules of the law of evidence.

(4) Any statement made to an investigating authority by any person other than the person whose case is under investigation shall be deemed to be information given to a public servant within the meaning of section 182 of the Indian Penal Code.

(5) On the completion of the inquiry, the investigating authority shall report in writing to the Local Government the conclusions at which it has arrived, and shall adduce reasons in support thereof. In so reporting the investigating authority shall state whether or not, in its opinion, the person whose case is under investigation is or has been actively concerned in any movement of the nature referred to in section 21.

(6) If the investigating authority has not completed the inquiry within the period for which the duration of the order is limited by

section 25, such authority may recommend to the Local Government that the period of duration of the order shall be extended for such period as it may consider necessary, and on such a recommendation the Local Government may extend the duration of the order accordingly.

27. (1) On receipt of the report of the investigating authority, the Local Government may discharge the order made under section 22, or may make any order which is authorised by that section:

Provided that—

(a) any order so made shall recite the conclusions of the investigating authority as reported by that authority; and

(b) a copy of such order shall be furnished to the person in respect of whom it is made.

(2) No order made under sub-section (1) shall continue in force for more than one year from the date of the order made under section 22.

(3) On the expiry of an order made under sub-section (1), the Local Government may, if it is satisfied that such a course is necessary in the interests of the public safety, again make in respect of the person to whom such order related any order which is authorised by section 22:

Provided that before an order is made under this sub-section, a copy of the order which it is proposed to make shall be furnished to the person concerned, who may submit to the Local Government a representation in regard to such order. Any such representation shall be forwarded by the Local Government to the investigating authority for inquiry and report, and such authority, after inquiry conducted in accordance with the provisions of section 26, shall report thereon, and the Local Government shall consider such report:

Provided further that no order made under this sub-section shall continue in force for more than a year from the date on which it was made.

(4) Any order made under this section may at any time be discharged or may be altered by the substitution of any other order authorised by section 22:

Provided that no such alteration shall have the effect of prolonging the period for which such order would have been in force.

(5) The provisions of section 24 shall apply to the enforcement of orders made under this section.

28. If any person fails to comply with, or attempts to evade, any order (other than an order to furnish security) made under section 22 or section 27, he shall on conviction by a Magistrate be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

29. The provisions of section 514 of the Code shall apply to bonds executed under the provisions of this Part, with this modification

that the powers conferred by that section on the Court shall be exercisable by any District Magistrate or Chief Presidency Magistrate, on application made on behalf of the Local Government.

30. (1) As soon as may be after a notification has been issued bringing this Part into force, the Local Government shall appoint one or more investigating

authorities for the purposes of this Part, and may appoint additional investigating authorities when necessary.

(2) Every investigating authority shall be appointed by order in writing, and shall consist of three persons, of whom two shall be persons having held judicial office not inferior to that of a District and Sessions Judge, and one shall be a person not in the service of the Crown in India.

(3) The Local Government may by like order appoint persons to fill casual vacancies occurring by reason of death, resignation of office or otherwise on any investigating authority, but in so doing shall observe the provisions of sub-section (2).

31. (1) The Local Government shall by order in writing appoint such persons as it thinks fit to be Visiting Committees to report upon the welfare and treatment of persons under restraint under this Part, and shall by rules prescribe the functions which these Committees shall exercise :

Provided that, in making such rules, provision shall be made for periodical visits to persons under restraint under the provisions of this Part :

Provided further that a person in respect of whom an order has been made under section 22 or section 27 requiring him to abstain from any specified act or to report himself to the police shall not be deemed to be under restraint for the purposes of this section.

(2) All rules made under sub-section (1) shall be published in the local official Gazette, and on such publication shall have effect as if enacted in this Part.

32. (1) The Local Government may make rules prescribing the authorities before whom and the manner in which bonds under this Part shall be executed, and providing for the procedure to be followed regarding the notification of residence and reports to the police by persons in respect of whom orders have been made under section 22 or section 27.

(2) All rules made under sub-section (1) shall be published in the local official Gazette, and on such publication shall have effect as if enacted in this Part.

PART III.

33. If the Governor General in Council is satisfied that in the whole or any part of British India anarchical or revolutionary movements are being promoted and that scheduled offences in connection with such movements are prevalent to such an extent as to endanger the public safety, he may, by notification in the Gazette of India, make a declaration to that effect, and thereupon the provisions of this Part shall come into force in the area specified in the notification.

34. (1) Where, in the opinion of the Local Government, there are reasonable grounds for believing that any person has been or is concerned in such area in any scheduled offence, the Local Government may place all the materials in its possession relating to his case before a judicial officer who is qualified for appointment to a High Court and take his opinion thereon. If after considering such opinion the Local Government is satisfied that such action is necessary it may make in respect of such person

any order authorised by section 22, and may further by order in writing direct—

(a) the arrest of any such person without warrant ;

(b) the confinement of any such person in such place and under such conditions and restrictions as it may specify :

Provided that no such person shall be confined in that part of a prison or other place which is used for the confinement of convicted criminal prisoners as defined in the Prisons Act, 1894 ; and IX of 1904.

(c) the search of any place specified in the order which, in the opinion of the Local Government, has been, is being, or is about to be, used by any such person for any purpose connected with any anarchical or revolutionary movement.

(2) The arrest of any person in pursuance of an order under clause (a) of sub-section (1) may be effected at any place where he may be found by any police-officer or by any other officer of Government to whom the order may be directed.

(3) An order for confinement under clause (b) or for search under clause (c) of sub-section (1) may be carried out by any officer of Government to whom the order may be directed, and such officer may use all means reasonably necessary to enforce the same.

35. Any person making an arrest in pursuance of an order under clause (a) of sub-section (1) of section 34 shall forthwith report

Arrest.

the fact to the Local Government and, pending receipt of the orders of the Local Government, may by order in writing commit any person so arrested to such custody as the Local Government may by general or special order specify in this behalf.

Provided that no person shall be detained in such custody for a period exceeding seven days unless the Local Government so directs, and in no case shall such detention exceed fifteen days.

36. An order for the search of any place issued under the provisions of clause

Search.

(c) of sub-section (1) of section 34 shall be deemed

to be a search warrant issued by the District Magistrate having jurisdiction in the place specified therein, and shall be sufficient authority for the seizure of anything found in such place which the person executing the order has reason to believe is being used, or is likely to be used, for any purpose prejudicial to the public safety, and the provisions of the Code, so far as they can be made applicable, shall apply to searches made under the authority of any such order and to the disposal of any property seized in any such search.

37. Where an order (other than an order for arrest or search) has been made under section 34, the provisions of sections 23 to 27 shall apply in the same way as if the order were an order made under section 22, save that, on receipt of the report of the investigating authority, the Local Government may, subject to the conditions prescribed by section 27, make any order which is authorized by section 34, and sections 23 to 27 and 29 to 32 shall be deemed to be included in this Part.

38. If any person fails to comply with, or attempts to evade, any order made under section 34 or section 37 other than an order to furnish security, he shall be punishable

Penalty for disobedience to orders under this Part.

order to furnish security, he shall be punishable

with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

PART IV.

IV of 1915. 39. (1) On the expiration of the Defence of Persons already under India (Criminal Law executive control. Amendment) Act, 1915,

every person in respect of whom an order under rule 3 of the Defence of India (Consolidation) Rules, 1915, was in force immediately before the expiration of that Act, and who has in the opinion of the Local Government been concerned in any scheduled offence, shall be deemed to be a person resident in an area in which a notification under section 21 is in force, and the provisions of Part II shall apply to every such person accordingly; and every person who is on such expiration in confinement in accordance with the provisions of the Bengal State Prisoners Regulation, 1818, shall be deemed to be a person resident in an area in which a notification under section 33 is in force, and the provisions of Part III shall apply to every such person accordingly:

IV of 1915. Provided that within one month from the expiration of the Defence of India (Criminal Law Amendment) Act, 1915, the Local Government may, subject to the conditions prescribed in the first proviso to sub-section (3) of section 27 as made applicable by section 37, make any order of restraint which is authorised by Part III in respect of any person who is in confinement in accordance with the provisions of the said Regulation, and if such an order is so made it shall be deemed to be an order made under sub-section (3) of section 27 as made applicable by section 37, and the provisions of that Part regarding such an order shall apply accordingly.

V of 1914. (2) On the expiration of the Ingress into India Ordinance, 1914, as continued in force by I of 1915. the Emergency Legislation Continuance Act, 1915, any person in respect of whom an order was in force immediately before such expiration under section II of that Ordinance read with clause (b) or clause (c) of sub-section (2) of section 3 of the III of 1914. Foreigners Ordinance, 1914, shall be deemed to be a person resident in an area in which a notification under section 21 is in force, and the provisions of Part II shall apply to every such person accordingly:

V of 1914. Provided that within one month from the expiration of the Ingress into India Ordinance, 1914, the Local Government may, subject to the conditions prescribed in the first proviso to sub-section (3) of section 27, make any order of restraint which is authorised by that Part in respect of any such person, and if such an order is so made it shall be deemed to be an order made under sub-section (3) of section 27, and the provisions of that Part regarding such an order shall apply accordingly.

PART V.

40. When a notification issued under section 3 or section 21 or section 33 is cancelled, such cancellation shall not affect any trial, investigation or order commenced or made under this Act, and such

trial, investigation or order may be continued or enforced, and on the completion of any such investigation, any order which might otherwise have been made may be made and enforced, as if such notification had not been cancelled.

41. (1) An order made under Part II or Part III, directing a person to remain or reside in any area in British India outside the area in which such Part is in force, shall be as valid, and enforceable in like manner, as if such Part were in force throughout British India.

(2) An order made under clause (a) of sub-section (1) of section 34 for the arrest of any person may be executed at any place in British India outside the area in which Part III is in force, and the same procedure shall be followed as if Part III was in force throughout British India:

Provided that, if the arrest is made outside the province of the Local Government which made the order, the report required by section 35 shall be made to that Local Government, and the maximum period of detention limited by the proviso to that section shall be extended to twenty-one days.

42. No order under this Act shall be called in question in any Court, and no suit or prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

43. All powers given by this Act shall be in addition to, and not in derogation of, any other powers conferred by or under any enactment, and all such powers may be exercised in the same manner and by the same authority as if this Act had not been passed.

THE SCHEDULE.

(See section 2.)

(1) Any offence under the following sections of the Indian Penal Code, namely:—sections XLV of 121, 121-A, 122, 123, 124, 131 and 132.

(2) Any of the following offences, if, in the opinion of Government, such offence is connected with any anarchical or revolutionary movement, namely:—

(a) any offence under sections 124-A, 148, 153-A, 302, 304, 326, 327, 329, 332, 333, 335, 336, 337, 339, 341, 395, 396, 397, 398, 399, 400, 401, 402, 431, 435, 436, 437, 438, 440, 454, 455, 457, 458, 459, 460, and 506 of the Indian Penal Code;

(b) any offence under the Explosive Substances Act, 1908;

(c) any offence under section 20 of the Indian Arms Act, 1878.

(3) Any attempt or conspiracy to commit or any abetment of any of the above offences.

H. M. SMITH,

Offg. Secretary to the Government of India.

The Calcutta Gazette.

PUBLISHED BY AUTHORITY.

WEDNESDAY, JANUARY 22, 1919.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART VI.

Bills introduced in the Indian Legislative Council, Reports of Select Committees presented to the Council, and Bills published under Rule 23.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

Delhi, the 16th January, 1919.

No. 13.—The Governor General has been pleased, under Rule 23 of the Rules for the Conduct of the Legislative Business of the Council of the Governor General, to order the publication in the Gazette of India and in the local official Gazettes in English of the following Bill, together with the Statement of Objects and Reasons relating thereto, and the Bill and Statement of Objects and Reasons are accordingly hereby published for general information:—

BILL NO. 1 OF 1919.

A Bill to provide for the amendment of the Indian Penal Code and the Code of Criminal Procedure, 1898.

WHEREAS it is expedient to amend the Indian Penal Code and the Code of Criminal Procedure, 1898, in order to deal more effectively with certain acts dangerous to the State; It is hereby enacted as follows:—

1. This Act may be called the Indian Criminal Law (Amendment) Act, 1919.

2. In Chapter VI of the Indian Penal Code after section 124-A the following section shall be inserted, namely:—

“124-B. Whoever has in his possession any seditious document intending that the same shall be published or circulated shall, unless he proves that he had such document in his possession for a lawful purpose, be punishable with imprisonment, which may extend to two years, or with fine or with both.

Explanation.—For the purposes of this section, the expression “seditious document” means any document containing any words, signs or visible representations which instigate or are likely to instigate, whether directly or indirectly—

(a) the use of criminal force against His Majesty or the Government established by law in British India, or against public servants generally or any class of public servants or any individual public servant, or

(b) the commission or abetment of anything which is an offence against sections 121, 121-A, 122 or 181.”

3. After section 196-A of the Code of Criminal Procedure 1898, (herein-after referred to as the said Code) the following section shall be inserted, namely:—

“196-B. In the case of any offence referred to in section 196 or 196-A, the District Magistrate or the Chief Presidency Magistrate may, notwithstanding anything contained in those sections or in any other part of this

Code, order a preliminary inquiry by a police-officer not below the rank of an Inspector, in which case such police-officer shall have the powers referred to in section 155 (3)."

4. To section 343 of the said Code, the following Amendment of section 343, Act V of 1898, namely:—

"Provided that a promise of protection to an accused person against criminal force or, any promise properly incidental to a promise of such protection, shall not be deemed to be the use of influence within the meaning of this section."

5. After section 510 of the said Code, the following section shall be inserted, namely:—

XLV of 1890.

Evidence of previous conviction and association with previous convicts at a trial for offences under Chapter VI, Act XLV of 1890.

"510-A. On the trial of an offence under Chapter VI of the Indian Penal Code, the following facts shall be relevant, namely:—

- (a) that the person accused has previously been convicted of an offence under that Chapter, and
- (b) that such person has habitually and voluntarily associated with any person who has been convicted of an offence under that Chapter:

Provided that such facts shall nevertheless not be admissible in evidence under the provisions of this section, unless written notice of the intention to call evidence thereof has been served on the accused at least seven days before the commencement of the trial, together with reasonable particulars of the conviction or association intended to be proved."

6. After section 565 of the said Code, the following section shall be inserted, namely:—

XLV of 1890.

"565-A. (1) When any person is convicted of an offence punishable under Chapter VI of the Indian Penal Code, the Court may, if it thinks fit, at the time of passing sentence on such person, order him, on his release after the expiration of such sentence,

to execute a bond with sureties for his good behaviour so far as offences under Chapter VI of the said Code are concerned, for such period not exceeding two years as it thinks fit.

(2) An order under sub-section (1) may also be made by an Appellate Court, or by the High Court when exercising its powers of revision.

(3) If the Court makes an order under sub-section (1), it shall further direct that, until the person who is the subject of the order furnishes the required security, such person shall notify to the Local Government or to such officer as the Local Government may by general or special order appoint in this behalf, his residence and any change of residence after release for the period for which security is required.

(4) Where any person is under an obligation to notify, in accordance with the provisions of sub-section (3), his residence and any change of residence after release, the Local Government may by order in writing direct that such person—

- (a) shall not enter, reside or remain in any area specified in the order,
- (b) shall reside or remain in any area in British India so specified, and
- (c) shall abstain from addressing public meetings for the furtherance or discussion of any subject likely to cause disturbance or public excitement, or of any political subject or for the distribution of any writing or printed matter relating to any such subject.

(5) Any person refusing or neglecting to comply with any direction under sub-section (3) or any order under sub-section (4), shall be punishable as if he had committed an offence under section 176 of the Indian Penal Code.

(6) If the conviction is set aside on appeal or otherwise, all orders made under the provisions of this section shall become void.

Explanation.—In this section the expression "public meeting" has the same meaning as is assigned to it by section 3 of the Prevention of Seditious Meetings Act, 1911."

XLV of 1890.

X of 1911.

7. In Schedule II of the said Code in the entries relating to Chapter VI, after the entry relating to section 124-A, the entry contained in the Schedule shall be inserted.

THE SCHEDULE.

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Indian Penal Code.	By what Court triable.
124-B.	Possession of seditious documents.	Ditto	Ditto	Ditto	Ditto	Imprisonment for two years and fine.	Ditto.

STATEMENT OF OBJECTS AND REASONS.

This Bill gives effect to the recommendations contained in Chapter XVII of the Report of the Rowlatt Committee in so far as they relate to Punitive Measures (Permanent). Further clause 3 adds to the Criminal Procedure Code a new section 196-B as drafted by the Committee appointed to consider and revise the Criminal Procedure Code (Amendment) Bill.

The relevant portions of the Report of the Rowlatt Committee are printed below:—
“ 177.

(a)

We think, however, that no harm can be done by amending section 348 of the Code of Criminal Procedure (which prohibits promises or threats to induce an accused person to disclose or withhold any matter) so as to make it clear that there is no prohibition of a promise, whether to an accused or any other person, of protection against injury caused by the criminal acts of others. We do not think that this is really any alteration of the section at all. Such a promise as is referred to is only an assurance that he will get what he would be entitled to in any case. If it is an alteration, however, its advisability is too obvious for discussion.

(b) As regards changes specially relating to seditious crime, we recommend three permanent additions to the law.

In the first place we think that a permanent enactment on the lines of Rule 25 A under the Defence of India Act is required. That rule provides for the punishment of persons having prohibited documents (which may have to be defined anew) in their possession or control with (as we read the effect of the words used) intent to publish or circulate them. In its present form, however, the substance of the offence is confounded with the presumptive evidence of it. The drafting should, in our judgment, be recast, and the penalty seems too high for times of peace, seeing that the offence is merely possession with an intent not yet acted upon.

We also recommend that the principle of section 565 of the Code of Criminal Procedure (which provides for an order requiring notification of residence after release in the cases of persons convicted a second time for certain offences) should be extended to all persons convicted of offences under Chapter VI of the Penal Code (offences against the State) whether previously convicted or not. Such persons might be ordered to give security for a period not exceeding two years for good behaviour so far as offences under Chapter VI are concerned, and in default be directed to notify their residence to Government, who should have power to restrict their movements for the period of two years after their release and prohibit them from addressing public meetings,—the term “public meetings” including in its scope political subjects as in section 4 of the Prevention of Seditious Meetings Act of 1907.

Lastly we think that in all cases where there is a question of seditious intent, evidence of previous conviction for seditious crime or association (of an incriminating kind of course) with persons so convicted should be admissible upon written notice to the accused with such particulars and at such a time before the evidence is given as might be fair. What we have called seditious crime would of course have to be accurately defined.”
“ 188.

In all these cases the District Magistrate should be empowered to order investigation. We are informed that this will be the result of clause 37 of the Amendment to the Criminal Procedure Code Bill now under consideration. If the above mentioned amendment is not enacted, machinery ought, we think, to be devised for giving such power by special order or otherwise in the cases with which we are immediately concerned. It has been suggested to us that the power should extend to Superintendents or even Inspectors of Police, but we cannot endorse this.”

W. H. VINCENT.

DELHI;
The 9th January, 1919. }

A. P. MUDDIMAN,
Secretary to the Government of India.

GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

Delhi, the 16th January, 1919.

No. 14.—The Governor General has been pleased, under Rule 23 of the Rules for the Conduct of the Legislative Business of the Council of the Governor General, to order the publication in the Gazette of India and in the local official Gazettes in English, of the following Bill, together with the Statement of Objects and Reasons relating thereto, and the Bill and Statement of Objects and Reasons are accordingly hereby published for general information:—

BILL NO. 2 OF 1919.

A Bill to make provision in special circumstances to supplement the ordinary criminal law, and for the exercise of emergency powers by Government.

WHEREAS it is expedient to make provision that, in special circumstances, the ordinary criminal law should be supplemented; and emergency powers should be exercisable by the Government;

And whereas the previous approval of the Secretary of State in Council has been accorded to the making of this law; It is hereby enacted as follows:—

1. (1) This Act may be called the Criminal Law (Emergency Powers) Act, 191 .

(2) It extends to the whole of British India.

2. (1) In this Act, unless there is anything repugnant in the subject or context,—

“Chief Justice” means the Judge of highest rank in a High Court;

“The Code” means the Code of Criminal Procedure, 1898;

“High Court” means the highest Court of criminal appeal or revision for any local area;

“Offence against the State” means any offence under Chapter VI of the Indian Penal Code, and any attempt or conspiracy to commit, or any abetment of, any such offence; and

“Scheduled offence” means any offence specified in the Schedule.

(2) All words and expressions used in this Act and defined in the Code, and not hereinbefore defined, shall be deemed to have the meanings respectively attributed to them in the Code.

PART I.

3. If the Governor General in Council is satisfied that scheduled offences are prevalent in the whole or any part of British India, and that it is expedient in the interests of the public safety to provide for the speedy trial of such offences, he may, by notification in the Gazette of India, make a declaration to that effect, and thereupon the provisions of this Part shall come into force in the area specified in the notification.

4. (1) Where the Local Government is of opinion that the trial of any person accused of a scheduled offence should be held in accordance with the provisions of this Part, it may order any officer of Government to prefer a written information to the Chief Justice against such person.

(2) No order under sub-section (1) shall be made in respect of, or be deemed to include, any person who has been committed under the Code for trial before a High Court, but, save as aforesaid, an order under that sub-section may be made in respect of any scheduled offence whether such offence was committed before or after the issue of the notification under section 3.

(3) The information shall state the offence charged and so far as known the name, place of residence, and occupation of the accused, and the time and place when and where the offence is alleged to have been committed and such other facts within the knowledge of the prosecution as shall be reasonably sufficient to enable the accused to meet the accusation.

(4) The Chief Justice may by order require any information to be amended so as to supply further particulars of the offence charged to the accused, and shall direct a copy of the information or the amended information, as the case may be, to be served upon the accused in such manner as the Chief Justice may direct.

5. Upon such service being effected, and on application duly made to him, the Chief Justice shall nominate three of the High Court

Judges (hereinafter referred to as the Court) for the trial of the information and shall fix a date for the commencement of the trial:

Provided that, when the total number of Judges of the High Court does not exceed three, the Chief Justice shall nominate not more than two such Judges, and shall complete the Court by the nomination of one or, if necessary, two persons of either of the following classes, namely:—

- (a) persons who have served as permanent Judges of the High Court; or
- (b) with the consent of the Chief Justice of another High Court, persons who are Judges of that High Court.

6. The Court may sit for the whole or any part of a trial at such place or places in the province as it may consider desirable:

Provided that the Governor General in Council, if he is satisfied that such a course is expedient in the interests of justice, may, by notification in the Gazette of India, direct that the Court shall sit for the whole or any part of a trial at such place or places as he may specify in the notification.

7. The provisions of this Code shall apply to proceedings under this Part, in so far as they are not inconsistent with the provisions therein contained, and such proceedings shall be deemed to be proceedings under the Code, and the Court shall have all the powers conferred by the Code on a Court of Session exercising original jurisdiction.

8. The trial shall be commenced by the reading of the information, and thereafter the Court shall, subject to the provisions of this Part, in trying the accused, follow the procedure prescribed by the Code for the trial of warrant cases by Magistrates.

9. If a charge is framed, the accused shall be entitled to ask for an adjournment for ten days, or any less period that he may specify, and the Court shall comply with his request.

10. The Court shall be required to make a memorandum only of the substance of the evidence of each witness examined and, subject to the adjournment provided for by section 9, shall not be bound to adjourn any trial for any purpose, unless such adjournment is in its opinion necessary in the interests of justice.

11. The Court, if it is of opinion that such a course is necessary in the public interest or for the protection of a witness, may prohibit or restrict in such way as it may

direct the publication, or disclosure of its proceedings or any part of its proceedings.

12. (1) No questions shall be put by the Court to the accused in the course of a trial under this Part until the close of the case for the prosecution. Thereafter, and before the accused enters on his defence, the Court shall call upon him to state whether he intends to give evidence on oath or not, and shall at the same time inform him that if he does so, he will be liable to cross-examination. Unless the accused then states that he intends to give evidence on oath, the Court may at any time thereafter question the accused generally on the case in accordance with the provisions of section 342 of the Code.

(2) If when so called upon, the accused states that he intends to give evidence on oath, the Court shall not at any subsequent stage put any question to him:

Provided that if the accused does not so give evidence, then, after the witnesses for the defence have been examined, the Court may question the accused generally on the case in accordance with the provisions of the said section.

(3) If the accused gives evidence on oath, the following rules shall be observed in regard to his cross-examination, namely:—

(a) He may be asked any question in cross-examination notwithstanding that it would tend to criminate him as to the offence charged.

(b) He shall not be asked, and if asked shall not be required to answer, any question tending to show that he has committed or been convicted of, or has been charged with, any offence other than that with which he is then charged, or has a bad character, unless—

(i) proof that he has committed or been convicted of such other offence is admissible evidence to show that he is guilty of the offence with which he is then charged, or

(ii) witnesses for the prosecution have been cross-examined with a view to establish his own good character, or he has given evidence of his good character, or the nature or the conduct of the defence is such as to involve imputations on the character of the witnesses for the prosecution, or

(iii) he has given evidence against any other person charged with the same offence.

13. If the accused or any one of the accused calls and examines any witness, the right of final reply shall lie with the prosecution, but in all other cases with the accused:

Provided that the examination of an accused as a witness shall not of itself confer the right of final reply on the prosecution.

14. In the event of any difference of opinion between the members of the Court, the opinion of the majority shall prevail.

15. If in any trial under this Part it is proved that the accused has committed any offence, whether a scheduled offence or not, the Court may convict the accused of that offence although he was not charged with it.

16. The Court may pass upon any person convicted by it any sentence authorised by law for the punishment of the offence of which such person is convicted, and no order of confirmation shall be necessary in the case of any sentence passed by it.

17. The judgment of the Court shall be final and conclusive and, notwithstanding the provisions of the Code or of any other law for the time being in force, or of anything having the force of law by whatsoever authority made or done, there shall be no appeal from any order or sentence of the Court, and no High Court shall have authority to revise any such order or sentence or to transfer any case from such Court, or to make any order under section 491 of the Code or have any jurisdiction of any kind in respect of any proceedings under this Part:

Provided that nothing in this section shall be deemed to affect the powers of the Governor General in Council or of the Local Government to make orders under section 401 or 402 of the Code in respect of any person sentenced by the Court.

18. (1) Notwithstanding anything to the contrary contained in the Indian Evidence Act, 1872, where—

(a) the statement of any person has been recorded by a Magistrate, and such statement has been read over and explained to the person making it and has been signed by him, or

(b) the statement of any person has been recorded by the Court, but such person has not been cross-examined,

such statement may be admitted in evidence by the Court if the person making the same is dead or cannot be found or is incapable of giving evidence, and the Court is of opinion that such death, disappearance or incapacity has been caused in the interests of the accused.

(2) Depositions recorded under section 512 of the Code may, in the circumstances specified in that section, be given in evidence at the trial under this Part of an accused.

19. The Chief Justice may from time to time make rules providing for—

(1) the appointment and powers of a President of the Court, and the procedure, to be adopted in the event of any Judge of the Court being prevented from attending throughout the trial of an accused; and

(2) any matters which appear to him necessary for carrying into effect or supplementing the provisions of this Part preliminary or ancillary to trials.

PART II.

20. If the Governor General in Council is satisfied that movements which are, in his opinion, likely to lead to the commission of offences against the State are being extensively promoted in the whole or any part of British India, he may, by notification in the Gazette of India, make a declaration to that effect, and thereupon the provisions of this Part shall come into force in the area specified in the notification.

21. (1) Where, in the opinion of the Local Government, there are reasonable grounds for believing that any person is or has been actively concerned in such area in any movement of the nature referred to in section 20, the Local Government may, by order in writing containing a declaration to that effect, give all or any of the following directions, namely: that such person—

(a) shall, within such period as may be specified in the order, execute a bond with or without sureties to be of good behaviour for such period not exceeding one year as may be so specified;

(b) shall notify his residence and any change of residence to such authority as may be so specified;

(c) shall remain or reside in any area in British India so specified;

provided that, if the area so specified is outside the province, the concurrence of the Local Government of that area to the making of the order shall first have been obtained;

(d) shall abstain from any act so specified which, in the opinion of the Local Government, is calculated to disturb the public peace or is prejudicial to the public safety; and

(e) shall report himself to the police at such periods as may be so specified.

(2) Any order under clauses (b) to (e) may also be made to take effect upon default by the person concerned in complying with an order under clause (a).

22. An order made under section 21 shall be served on the person in respect of whom it is made in the manner provided in the Code for service of summons, and upon such service such person shall be deemed to have due notice thereof.

23. The Local Government and every officer of Government to whom a copy of any order made under section 21 may be directed by, or under the general or special authority of, the Local Government, may use any and every means to enforce compliance with the same.

24. An order made under section 21 shall only continue in force for a period of one month, unless it is extended by the Local Government as hereinafter provided in this Part.

25. (1) When the Local Government makes an order under section 21, such Government shall, as soon as may be, forward to the investigating authority to be constituted under this Act a concise statement in writing setting forth plainly the grounds on which the Government considered it necessary that the order should be made, and shall lay before the investigating authority all material facts and circumstances in its possession in support of its action.

(2) The investigating authority shall then hold an inquiry *in camera* for the purpose of ascertaining what, in its opinion, having regard to the facts and circumstances adduced by the Government, appears against the person in respect of whom the order has been made. Such authority shall in every case allow the person in question a reasonable opportunity of appearing before it at some stage in its proceedings and shall, if he so appears, explain to him the nature of the charge made against him and shall hear any explanation he may have to offer, and may make such further investigation (if any) as appears to such authority to be relevant and reasonable:

Provided that the investigating authority shall not disclose to the person whose case is before it any fact the communication of which might endanger the public safety or the safety of any individual:

Provided further that nothing in this sub-section shall be deemed to entitle the person in question to appear or to be represented before the investigating authority by pleader, nor shall the Local Government be so entitled.

(3) Subject to the provisions of sub-section (2), the inquiry shall be conducted in such manner as the investigating authority considers best suited to elicit the facts of the case; and in making the inquiry, such authority shall not be bound to observe the rules of the law of evidence.

(4) On the completion of the inquiry, the investigating authority shall report in writing to the Local Government the conclusions at which it has arrived.

(5) If the investigating authority has not completed the inquiry within the period for which the duration of the order is limited by section 24, such authority may recommend to the Local Government that the period of duration of the order shall be extended for such period as it may consider necessary, and on such a recommendation, the Local Government may extend the duration of the order accordingly.

26. (1) On receipt of the report of the investigating authority, the Local Government may discharge the order made under section 21, or may pass any order which is authorised by the terms of that section:

Provided that—

(a) any order so passed shall recite the finding of the investigating authority; and

(b) a copy of such order shall be furnished to the person in respect of whom it is made.

(2) No order made under sub-section (1) shall continue in force for more than one year from the date on which it was made, but the Local Government may, if it is satisfied that such a course is necessary

in the interests of the public safety, on the expiry of any such order, again make any order in respect of the person to whom it related which is authorized by section 21.

(4) No order made under sub-section (2) shall continue in force for more than one year from the date on which it was made, but on its expiry may be renewed by the Local Government for a further period not exceeding one year:

Provided that any order so made or renewed may at any time be discharged, or may be altered by the substitution of any other order authorised by section 21, and in that case no further reference to the investigating authority shall be necessary.

27. If any person fails to comply with, or attempts to evade, any order (other than an order to furnish security) made under the provisions of section 21 or section 26, he shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

28. The provisions of section 514 of the Code shall apply to bonds executed under the provisions of this Part, with this modification that the powers conferred by that section on the Court shall be exercisable by any District Magistrate or Chief Presidency Magistrate, on application made on behalf of the Local Government.

29. (1) The Local Government shall appoint one or more investigating authorities for the purposes of this Part.

(2) Every investigating authority shall be appointed by order in writing, and shall consist of three persons, of whom one shall be a person having held judicial office not inferior to that of a District and Sessions Judge, and one shall be a person not in the service of the Crown in India.

(3) The Local Government may by like order appoint persons to fill casual vacancies occurring by reason of death, resignation of office or otherwise on any investigating authority, but in so doing shall observe the provisions of sub-section (2).

30. The Local Government shall by order in writing appoint such persons as it thinks fit to be Visiting Committees for the purposes of this Part, and shall by rules prescribe the functions which these Committees shall exercise:

Provided that, in making such rules, provision shall be made for periodical visits to persons under restraint under the provisions of this Part:

Provided further that a person in respect of whom an order has been made under section 21 or section 26 requiring him to abstain from any specified act or to report himself to the police shall not be deemed to be under restraint for the purposes of this section.

31. (1) The Local Government may make rules providing for the procedure to be followed regarding the notification of residence and reports to the police by persons in respect of whom orders have been made under section 21 or section 26.

(2) All rules made under sub-section (1) shall be published in the local official Gazette, and on such publication shall have effect as if enacted in this Part.

PART III.

32. If the Governor General in Council is satisfied that scheduled offences Condition of appli- have been or are being com- cation of Part III. mitted in the whole or any part of British India to such an extent as to endanger the public safety, he may, by notification in the Gazette of India, make a declaration to that effect, and thereupon the provisions of this Part shall come into force in the area specified in the notification.

33. (1) Where, in the opinion of the Local Government, there are Powers exercisable when Part III is in force. reasonable grounds for believing that any person has been or is concerned in such area in any scheduled offence, the Local Government may make in respect of such person any order authorised by section 21, and may further by order in writing direct—

- (a) the arrest of any such person without warrant;
- (b) the confinement of any such person in such place and under such conditions and restrictions as it may specify; and
- (c) the search of any place specified in the order which, in the opinion of the Local Government, has been, is being, or is about to be, used by any such person for any purpose prejudicial to the public safety.

(2) The arrest of any person in pursuance of an order under clause (a) of sub-section (1) may be effected at any place where he may be found by any police-officer or by any other officer of Government to whom the order may be directed.

(3) An order for confinement under clause (b) or for search under clause (c) of sub-section (1) may be carried out by any officer of Government to whom the order may be directed, and such officer may use any and every means to enforce the same.

34. Any person making an arrest in pursuance of an order under clause (a) of section 33 (1) shall forthwith report the fact to the

Local Government and, pending receipt of the orders of the Local Government, may by order in writing commit any person so arrested to such custody as the Local Government may by general or special order specify in this behalf:

Provided that no person shall be detained in such custody for a period exceeding fifteen days.

35. An order for the search of any place issued under the provisions of clause (c) of section 33 (1) shall be deemed to be a search

warrant issued by the District Magistrate having jurisdiction in the place specified therein, and shall be sufficient authority for the seizure of anything found in such place which the person executing the order has reason to believe is being used, or is likely to be used for any purpose prejudicial to the public safety, and the provisions of the Code, so far as they can be made applicable, shall apply to

searches made under the authority of any such order and to the disposal of any property seized in any such search.

36. Where an order (other than an order for arrest or search) has been made under section 33, the provisions of sections 22 to 26 shall apply in the same way as if the order were an order made under section 21, save that, on receipt of the report of the investigating authority, the Local Government may, subject to the conditions prescribed by section 26, make any order which is authorized by section 33, and sections 22 to 26 and 28 to 31 shall be deemed to be included in this Part.

37. If any person fails to comply with, or attempts to evade, any order made under section 33 or section 36 other than an order to furnish security, he shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

PART IV.

38. (1) On the expiration of the Defence of India (Criminal Law Amendment) Act, 1915, every person in respect of whom an order under rule 3 of the Defence of India (Consolidation) Rules, 1915, was in force immediately before the expiration of that Act, and who has in the opinion of the Local Government been concerned in any scheduled offence, or who is on such expiration in confinement in accordance with the provisions of the Bengal State Prisoners Regulation, 1818, shall be deemed to be a person resident in an area in which a notification under section 32 is in force, and the provisions of Part III shall apply to every such person accordingly, save that no reference to the investigating authority shall be necessary.

(2) On the expiration of the Ingress into India Ordinance, 1914, as continued in force by the Emergency Legislation Continuance Act, 1915, any person in respect of whom an order was in force immediately before such expiration under section 2 of that Ordinance read with clause (b) or clause (c) of sub-section (2) of section 3 of the Foreigners Ordinance, 1914, shall be deemed to be a person resident in an area in which a notification under section 20 is in force, and the provisions of Part II shall apply to every such person accordingly, save that no reference to the investigating authority shall be necessary.

PART V.

39. When a notification issued under section 3 or section 20 or section 32 is cancelled, such cancellation shall not affect any trial, investigation or order commenced or made under this Act, and such trial, investigation or order may be continued or enforced, and on the completion of any such investigation, any order which might otherwise have been made may be made and enforced, as if such notification had not been cancelled.

40. (1) An order made under Part II or Part III directing a person to remain or reside in any area in British India outside the area in which such Part is in force shall be as valid as and enforceable in like manner as if such Part were in force throughout British India.

(2) An order made under clause (a) of section 33 (1) for the arrest of any person may be executed at any place in British India outside the area in which Part III is in force, and the same procedure shall be followed as if Part III was in force throughout British India :

Provided that, if the arrest is made outside the province of the Local Government which made the order, the report required by section 34 shall be made to that Local Government, and the period of detention limited by the proviso to that section shall be extended to thirty days.

41. No order under this Act shall be called in question in any Court, and no suit or prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

42. All powers given by this Act shall be in addition to, and not in derogation of, any other

powers conferred by or under any enactment, and all such powers may be exercised in the same manner and by the same authority as if this Act had not been passed.

THE SCHEDULE.

(See section 2.)

(1) Any offence under Chapter VI and sections 131 and 132 of the Indian Penal Code ;

(2) Any of the following offences, if, in the opinion of Government, such offence is connected with any movement endangering the safety of the State, namely :—

(a) any offence under sections 148, 153A, 302, 304, 307, 308, 326, 327, 329, 332, 333, 385, 386, 387, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 431, 435, 436, 437, 438, 440, 454, 455, 457, 458, 459, 460, and 506 of the Indian Penal Code ;

(b) any offence under the Explosive Substances Act, 1908 ;

(c) any offence under section 20 of the Indian Arms Act, 1878.

(3) Any attempt or conspiracy to commit or any abetment of any of the above offences.

STATEMENT OF OBJECTS AND REASONS.

In December, 1917, the Governor General in Council, with the approval of the Secretary of State, appointed a Committee—

- (1) to investigate and report on the nature and extent of the criminal conspiracies connected with the revolutionary movement in India ;
- (2) to examine and consider the difficulties that have arisen in dealing with such conspiracies, and to advise as to the legislation, if any, necessary to enable Government to deal effectively with them.

The Committee advisedly contained a strong judicial element, and was presided over by Sir Sidney Rowlett, K.C.S.I., a judge of the King's Bench Division of His Majesty's High Court of Justice. This Committee submitted its report on the 15th April, 1918. The report was unanimous, and the Government of India have decided to introduce Bills to give effect to the recommendations of the Committee.

The present Bill gives effect to the recommendations contained in Chapter XVII of the Report in so far as they relate to Emergency measures (Punitive), Emergency measures (Preventive) and provision for existing danger. It is divided into five parts. Under the first three parts (i) the punitive measures, (ii) preventive measures of a mild character, (iii) preventive measures of a more stringent type, can each in turn be called into operation as recommended in paragraph 180 of the Report. Part IV makes provision for existing danger on the lines suggested in paragraph 196 of the Report, and Part V deals with certain miscellaneous matters.

The object has been to follow the recommendations of the Committee as closely as possible, and for facility of reference relevant extracts from the report are printed below :—

- "180. Further, as we have said, the powers we suggest will be both Punitive and Preventive and the latter will be of two degrees varying in stringency. The scheme ought to be capable of being called into operation in compartments and it is worth considering whether the necessary notifications might not be required to declare a higher degree of public danger to justify the use of some powers than of others. We venture to lay some stress on the desirability from every point of view of the Government being able to take mild measures early. This is hampered if they are obliged, in order to take mild measures, to declare a state of affairs of great seriousness. On the other hand, they should not have authority to assume power to take stringent measures without pledging

themselves to the declaration of a crisis of proportionate gravity. We have already intimated that we do not feel called upon to draft any form of notification but, to illustrate our suggestion of progressive notifications, if we may use that phrase, it might be sufficient, in order to call our punitive measures into force, to declare that seditious offences are prevalent and that it is expedient to provide for their speedy trial under the provisions of the Act, while for the invocation of the mild form of preventive measures it might be obligatory to declare that seditious movements were being extensively promoted, and for the more stringent preventive measures, that seditious outrage was occurring to a degree endangering public safety—or some such formula."

"The notifications should of course be capable of application to particular provinces of smaller areas."

"181. Coming now to the measures themselves, we are of opinion that provision should be made for the trial of seditious crime by Benches of three

Emergency provisions for trials.

Judges without juries or assessors and without preliminary commitment proceedings or appeal. In short, the procedure we recommend should follow the lines laid down in sections 5—9 inclusive of the Defence of India Act. It should be made clear that section 512 of the Code of Criminal Procedure (relating to the giving in evidence under certain circumstances of depositions taken in the absence of an absconding accused) applies to these trials, it having we understand, been questioned whether section 7 of the Defence of India Act has that effect."

"We think it necessary to exclude juries and assessors mainly because of the terrorism to which they are liable. But terrorism apart, we do not think they can be relied upon in this class of case. They are too much inclined to be affected by public discussion. We could give instances which have come before us, where we think there have been miscarriages of justice owing to the causes above mentioned. We may further point out that the trial of such cases without jury or assessors was introduced by the Indian Criminal Law Amendment Act, 1908."

"As regards the procedure and the absence of right of appeal, we think it essential that the delay involved in commitment proceedings and appeal be avoided. It is of the utmost importance that punishment or acquittal should be speedy both in order to secure the moral effect which punishment should produce and also to prevent the prolongation of the excitement which the proceedings may set up. Furthermore, the delays involved by commitment proceedings and the double examination of witnesses increase the chance of the witnesses being intimidated, add to the hardships involved in their attendance with the consequence of making them less ready to come forward, and also afford time for them to forget the facts."

"We think, however, that there is one important amendment to be made in the procedure. Under the temporary scheme now in operation charges are formulated after the evidence for the prosecution has been closed. In our opinion some expedient must be found for defining the issues and communicating them to the accused a reasonable time before he has to meet or rebut them. We do not apprehend how an accused can deal relevantly either in cross-examination or by preparation of evidence with a case not formulated."

"To meet this difficulty we suggest some such scheme as the following. It is a compromise between having no preliminary proceedings and the ordinary full commitment proceedings. We are told that some Special Tribunals have proceeded to some extent on these lines with satisfactory results. It seems quite fair to the accused:—

- (a) Commitment proceedings to be abolished in these cases.
- (b) Proceedings to start with a detailed written complaint to be drawn up by the Government Prosecutor setting out full particulars of what is intended to be proved against each accused.
- (c) The prosecution witnesses to be first examined in chief, but the accused not to be called upon to cross-examine at this stage.
- (d) The charge to be framed with regard to each of the accused against whom there is *prima facie* evidence.
- (e) The case should be adjourned and the Court should fix the period of adjournment suitable to each case, but such period should not be less than ten days.
- (f) The accused to remain in the "custody of the Court" as opposed to the "custody of the police," or in other words, the Superintendent of the Jail should be under the directions of the Court so far as the accused are concerned. This does not indicate any real change, but perhaps an insertion of a provision of this nature will have the effect of silencing much mischievous criticism.

(g) The police papers will of course be placed before the Court. The Court after going through the papers may, if it thinks right, allow copies of some of these papers to the accused. Of course in this matter the Court will have absolute discretion, and the Court may refuse to allow copies of any of the police papers to the accused.

(h) At the expiry of the period of adjournment the cross-examination of the witnesses and the rest of the trial will proceed."

"182. While, however, we recommend in substance the procedure established under the Defence of India Act, we think the constitution of the tribunals as

Composition of Courts.

provided by these Acts should be altered. It seems to us inadvisable that these tribunals should to any extent be composed of persons not already members of the judiciary but selected by the executive for the purpose of the specific case. Nothing that we have seen suggests that the special tribunals hitherto appointed have been unfair towards the accused, but we think the objections in principle cannot be overlooked. Moreover, as the right of appeal is taken away, the tribunals should be of the highest strength and authority. They should be composed of High Court or Chief Court Judges selected by the head of the Court. It is true that this might mean a grave demand upon these Benches. But, after all, there is no judicial work so important as that with which we are dealing or so imperatively calling for a tribunal of the highest authority. Substitutes can be appointed for the Judges called away, and if there is no power it can be obtained. Substitutes, however, ought not to try these cases."

"183. It has been brought to our attention that the bringing of witnesses to Calcutta or other seats of a High or Chief Court may be attended with incon-

Place of trial.

venience and may be a source of alarm and confusion to country witnesses. This must arise just as much if the witnesses are brought to such city to attend a special tribunal as at present constituted. If, on the other hand, the three gentlemen composing such tribunal can sit elsewhere than in such city, it seems to us that the three Judges can do so."

"184. A question to which we have given much consideration is whether the accused should be entitled to give evidence on his own behalf in these cases,

Testimony of accused.

subject to the consequences now provided by the law of England. This has been found to afford valuable protection to an innocent prisoner, while exposing sham defences and unfounded suggestions."

"The principle upon which an accused person cannot at present give evidence is that he is interested and interested persons were incompetent as witnesses by the Common Law in all cases, civil as well as criminal. This incompetency was gradually removed in England until the only remnant of the original rule was the case of a person under criminal trial. The incompetency in this case also was gradually removed as regards one crime after another until in

*61 and 62 Vict., c. 86.

1898 * it was swept away in all cases by an Act of general application. The change was really the concession of a new facility to prisoners, though doubtless it had its inconveniences for persons really guilty. It was hedged about with important safeguards from the prisoner's point of view of which the following are the most notable:—

- (a) he cannot be called except with his own consent;
- (b) if called, he cannot be asked questions as to his character, including previous convictions, unless either—
 - (i) the facts put would be evidence against him in chief, independently of the Act, as showing design or the like, or
 - (ii) he has given evidence of his own good character or the character of witnesses for the prosecution has been attacked on his behalf.

In other words, there is a special code limiting his examination, and if the principle were introduced in India, the application of sections inconsistent with it, such as section 165 of the Indian Evidence Act, would have to be excluded."

"This new principle, at first much mistrusted, has been found to work well in England; and in India where, as is so frequently the case, the grave issue arises whether a confession has been improperly extorted, it would seem much more conducive to the discovery of the truth that the accused should be entitled to depose on oath to what has occurred subject to cross-examination than that it should be left to suggestion. And so also as to other issues."

"No doubt only an experienced Court should try cases under these conditions in order to make sure that an ignorant prisoner does not misunderstand his position, and is not unfairly dealt with. This safeguard is ensured when the cases

come before three Judges of the highest rank, and upon the whole we think the provision should be introduced. If it were a question of its general application we should, having regard to the abovementioned considerations, be against it."

"A suggestion made to us that the Court should be at liberty to put any question it pleases to an accused, even though he does not tender himself as a witness, is one that we cannot approve of."

"185. If our proposal is accepted that there shall be no commitment proceedings, the re-enactment or retention of section 13 of the Criminal Law Amendment Act (XIV of 1908)

Perpetuation of testimony in particular circumstances.

in its present form will not be appropriate. It is, however, necessary that the object which that section was intended to attain, namely, the protection of important witnesses and the perpetuation of their testimony, should be provided for. We think the statements of dead or absent witnesses made at either of two stages of the investigation should be made available for use by the Court, namely, (1) statements proved to have been made to a police officer not below the rank of Superintendent, where such statements have been recorded by such officer and read over and explained to the person making it (and signed by him; (2) statements of witnesses made at the trial and not yet cross-examined upon—the condition making them admissible being in each case the same, namely, the belief of the Court that the death or absence of the deponent has been caused in the interests of the accused."

"186. The Court should have the power, where and so far as they think it advisable in the public interests or for the safety of a witness, to exclude the

Other suggestions.

public or any person from the hearing or any part of it and to prohibit any disclosure of their proceedings or any part of them either wholly or save as authorised by the tribunal, any such disclosure or purported disclosure being dealt with as a contempt of Court. This should not be done as a matter of course, but only where the tribunal is satisfied as to the necessity of it."

* * * * *

"The cases to be tried subject to the provisions above sketched out will be such as are ordered to be so tried by Government, the power to make such orders being limited to certain classes of offences to be named in a schedule. This was the scheme of the Criminal Law Amendment Act, 1905, the schedule to which might be adopted."

* * * * *

"188. The powers at present temporarily possessed by the Government are so far as material for the present purpose to be found in rules 3—7 inclusive and 12-A

Existing temporary powers.

under the Defence of India Act, 1915. We do not refer for the present to the Foreigners Ordinance, 1914, or the Ingress into India Ordinance, 1914. *

* * * * * Shortly stated, their effect is to give power to require persons by executive order to remain in any area to be specified or not to enter or remain in any such area, with penalties for breach of such requirement. These orders may be made and served on the person affected, whereupon they become binding upon him, or the person may be arrested without warrant and detained for a period not exceeding in all one month, pending an order of restriction. There is also a power of search under search warrant. It will be observed there is no provision for an examination of the cases of such persons. The decision lies solely with the Local Government. There is also the power of confinement under Regulation III of 1918."

"189. We think that provision ought to be made for calling into operation (in the last resort and subject to safeguards) powers going to the full extent of those above quoted."

Scope of our proposals.

"But while we feel bound to formulate such a scheme, we think that the whole of it must be subject to the observance of four main principles—

(i) No interference with liberty must be penal in character. Nothing in the nature of conviction can be admitted without trial in strict legal form. If in the supreme interests of the community the liberty of individuals is taken away, an asylum must be provided of a different order from a jail.

(ii) Any interference with liberty must be safeguarded by an inquiry which, though circumstances exclude the possibility of its following forensic forms, must be judicial in the sense that it must be fair and impartial and as adequate as it can be made.

(iii) Every order (which should be made by the Local Government) authorising such interference must recite the holding of such inquiry and declare that, in the opinion of the Local Government, the measures ordered are necessary in the interests of public security.

(iv) The order must be made for a limited time only (say, not exceeding a year) and must be renewable only by a new order (not necessarily a new inquiry) reciting that the renewal is necessary in the interests of public security."

"190. We now proceed to elaborate, but without using drafting language or going into every detail, the scheme we suggest."

"We think, as we have already indicated, that the powers to be acquired should be of two grades capable of being called into operation separately, possibly under different forms of notification."

"The first group of powers should be of the following nature:—

- (i) to demand security with or without sureties;
- (ii) to restrict residence or to require notification of change of residence;
- (iii) to require abstention from certain acts, such as engaging in journalism, distributing leaflets or attending meetings;
- (iv) to require that the person should periodically report to the police.

The second group of powers should be—

- (i) to arrest;
- (ii) to search under warrant;
- (iii) to confine in non-penal custody."

"It is not conceivable that the second group of powers would be called into play without the first. Therefore after arrest and search there would be no objection (if thought sufficient) to making an order under the first group of powers."

"191. An 'investigating authority' or 'authorities' should be constituted, as to which we shall say more later on."

"If the first group of powers only is in force, the Government before making a final order should be required to refer the case to the investigating authority. They should, however, have power to make an *interim* order for a limited time. If the second group is in force, the person might be arrested and kept in custody for a time to be limited before the reference and thereafter pending the reference."

"The duty of the investigating authority will be to inquire *in camera* upon any materials which they may think fit and without being bound by rules of evidence. They would send for the person and tell him what is alleged against him and investigate the matter as fairly and adequately as possible in the manner of a domestic tribunal. It would not be necessary to disclose the sources of information, if that would be objectionable from the point of view of other persons. No advocates would be allowed on either side or witnesses formally examined, nor need the person whose case is under investigation be present during all the inquiry. Should such person indicate that other persons or any other inquiries may throw light on the matter from his point of view, the investigating authority would endeavour to test the suggestion if it seems relevant and reasonable. At the close of the inquiry the investigating authority would certify their conclusion to the Local Government."

"It will be noticed that though we have suggested the procedure to be followed by the investigating authority, we have not yet indicated our view as to what it should inquire into or the nature of its conclusions."

"192. This seems to us the most difficult of all the matters with which we have had to deal, and yet it is one as to which exactness is imperative. We think

Scope of investigation.

what is to be aimed at is that the order of restriction or the like should be executive, but on a basis of fact ascertained judicially (in the sense explained) by the investigating authority. If the investigating authority are to deal with the question of the order to be made, they acquire power without the responsibility for the results. The executive are responsible for the maintenance of law and order. The worst solution of all is that the investigating authority should recommend and that the executive should be able to disregard the recommendation. If, however, the investigating authority is to confine itself to facts, what is the question of fact to be? The states of fact contemplated cannot be reduced to definitions like crimes such as murder and so on. If they could, no list that we can contemplate would cover the ground. Under these circumstances we suggest the following solution. Let the Government propound to the Committee in plain language what

they suggest the man has done or is doing or is likely to do, and let the authority return in plain language what they find upon the subject. Then let the Government recite that finding in its order and proceed to deal with the man as it thinks necessary. The great object will thus be attained of making it known exactly what is ascertained against the man in fact apart from executive conclusion, but the responsibility for action will still rest solely on the Government. It is for consideration whether the order should not be published."

"The nature of the above suggestion explains why we have used the term "Investigating Authority" instead of "Advisory Committee". The use of the latter term seems to condemn one in advance to the embarrassments from which it is the whole object to escape."

"193. If the functions of the investigating authority are such as we have described, the difficulty of its composition is minimised. For an inquiry in a

Composition of the authority. judicial spirit into facts knowledge and experience are the requisites. It has been suggested to us that the judicial, the executive and the non-official elements should be represented upon the body or bodies in question. Having indicated the functions which we recommend for the investigating authority, we do not feel that we are driven to give our views as to its exact composition. But we think we may say as based upon the experience gained in the course of our labours that one member should be a non-official Indian selected for his knowledge of the people."

"194. We suggest one more provision to be made in this scheme of preventive measures. We think there should be Visiting Committees to report

upon the condition of persons restricted in residence or in custody. We do not go into the question of the composition of these Committees. This may well vary in different parts of India and possibly in different parts of the same province or with reference to different communities. We were much struck by the useful work of this kind that can be done by Committees, working in very small areas, in the Punjab. Machinery so satisfactory may not be possible elsewhere. The Committees appointed must, of course, be persons who are prepared to accept the scheme and work it effectually though sympathetically."

"196. The scheme above set forth is, as has already been pointed out, designed for emergencies regarded as contingent. The powers involved are, therefore,

Treatment of existing offenders. to be dormant till the event occurs."

"There are, however, a limited class of persons, namely, those who have been involved in the troubles which have been described who constitute a danger not contingent but actual. Special and immediate provision is required for their case."

"It seems to us that the simplest device is to provide that in respect of acts committed before the Defence of India Act expires (or an earlier date if preferred) and danger apprehended by reason of such acts in the future it should be lawful to proceed against any person under any of the provisions which we have outlined without any notification. In other words, the new law is to be deemed to be operative for that purpose immediately."

W. H. VINCENT.

DALHI ;
The 11th January, 1910.

A. P. MUDDIMAN,
Secretary to the Government of India.

The Calcutta Gazette.

PUBLISHED BY AUTHORITY.

WEDNESDAY, MARCH 5, 1919.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART VI.

Bills introduced in the Indian Legislative Council, Reports of Select Committees presented to the Council and Bills published under Rule 23.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Indian Legislative Council on the 19th February, 1919 :—

No. 5 OF 1919.

[The bracketted figures in the margin refer to the corresponding sections of the existing Act.]

A Bill to consolidate and amend the law regulating the importation, possession and sale of poisons throughout British India.

WHEREAS it is expedient to consolidate and amend the law regulating the importation, possession and sale of poisons throughout British India ; It is hereby enacted as follows :—

1. (1) This Act may be called the Poisons

Short title and extent.

(2) It extends to the whole of British India, including British Baluchistan and the Sonthal Pargana.

2. (1) Subject to the control of the Governor General in Council, the Local Government may by rule regulate within the whole or any part of the territories under its administration the possession for sale and the sale, whether wholesale or retail, of any specified poison.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

- (a) the grant of licenses to possess any specified poison for sale, wholesale or retail, and the fixing of the fee (if any) to be charged for such licenses ;
- (b) the classes of persons to whom alone such licenses may be granted ;
- (c) the classes of persons to whom alone any such poison may be sold ;
- (d) the maximum quantity of any such poison which may be sold to any one person ;
- (e) the maintenance by vendors of any such poison of registers of sales, the particulars to be entered in such registers, and the inspection of the same ;
- (f) the safe custody of such poisons and the labelling of the vessels, packages or coverings in which any such poison is sold or possessed for sale ; and
- (g) the inspection and examination of any such poison when possessed for sale by any such vendor.

[3.]

3. The Governor General in Council may, by notification in the Gazette of India, prohibit importation into British India of any poison except under license. except under and in accordance with the conditions of a license the importation into British India of any specified poison, and may by rule regulate the grant of licenses.

[5.]

Power to regulate possession of any poison in certain areas.

4. (1) The Local Government, with the previous sanction of the Governor General in Council, may by rule regulate the possession of any specified poison in any local area in which the use of such poison for the purpose of committing murder or mischief by poisoning cattle appears to it to be of such frequent occurrence as to render restrictions on the possession thereof desirable.

(2) In making any rule under sub-section (1), the Local Government may direct that any breach thereof shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both, together with confiscation of the poison in respect of which the breach has been committed, and of the vessels, packages or coverings in which the same is found.

[3 (3) and 6 (2).]

5. Any substance specified as a poison in a rule made or notification issued under this Act shall be deemed to be a poison for the purposes of this Act.

[7.]

Penalty for unlawful importation, etc.

6. (1) Whoever—

- (a) commits a breach of any rule made under section 2, or
 - (b) imports into British India without a license any poison the importation of which is for the time being restricted under section 3, or
 - (c) breaks any condition of a license for the importation of any poison granted to him under section 3,
- shall be punishable,—
- (i) on a first conviction, with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both, and
 - (ii) on a second or subsequent conviction, with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.
- (2) Any poison in respect of which an offence has been committed under this section, together with the vessels, packages or coverings in which the same is found, shall be liable to confiscation.

7. (1) The District Magistrate, the Sub-divisional Magistrate and, in a Presidency-town, the Commissioner of Police, may issue a warrant for the search of any place in which he has reason to believe or to suspect that any poison is possessed or sold in contravention of this Act or any rule thereunder, or that any poison liable to confiscation under this Act is kept or concealed.

(2) The person to whom the warrant is directed may enter and search the place in accordance therewith, and the provisions of the Code of Criminal Procedure, 1898, relating to search-warrants shall, as far as may be, be deemed to apply to the execution of the warrant. V of 1898.

8. (1) In addition to any other power to make Rules. rules hereinbefore conferred, the Governor General in Council, or, subject to the control of the Governor General in Council, the Local Government, may make rules generally to carry out the purposes and objects of this Act.

(2) Every power to make rules conferred by this Act shall be subject to the condition of the rule being made after previous publication.

(3) All rules made by the Governor General in Council or by the Local Government under this Act shall be published in the Gazette of India or the local official Gazette, as the case may be, and on such publication shall have effect as if enacted in this Act.

9. (1) Nothing in this Act or in any license granted or rule made thereunder shall extend to or interfere with anything done in good faith in the exercise of his profession as such by a medical or veterinary practitioner. [10.]

(2) Notwithstanding anything hereinbefore contained, the Local Government may in its discretion by general or special order declare that all or any of the provisions of this Act shall be deemed not to apply to any article or class of articles of commerce specified in such order or to any poison or class of poisons used for any purpose so specified.

(3) The authority on which any power to make rules under this Act is conferred may, by general or special order, either wholly or partially—

- (a) exempt from the operation of any such rules, or
 - (b) exclude from the scope of the exemption provided by sub-section (1)
- any person or class of persons either generally or in respect of any poisons specified in the order.

10. The Poisons Act, 1904, is hereby repealed.

Repeal of Act 1 of 1904. repealed.

STATEMENT OF OBJECTS AND REASONS.

THE Poisons Act of 1904 was intentionally limited in scope so as to restrict interference with legitimate industries as much as possible. As the result of these limitations, however, the control afforded by the Act over the traffic in poisons has been proved by experience to be inadequate. In 1910 and 1914, the Government of the United Provinces suggested certain radical amendments in the Act to remedy this defect. The suggestions were referred to Local Governments and Administrations for opinion. The replies received showed a general agreement in favour of the suggestions of the Government of the United Provinces.

2. A new Bill has accordingly been prepared which will repeal the Poisons Act of 1904. The more important features of the Bill are :—

- (1) The substitution of a single clause (clause 2) for sections 2, 4 and 6 of the existing Act with the object of empowering Local Governments to regulate the possession for sale and the sale, whether wholesale or retail, of any specified poison anywhere within their respective territories, instead of in municipalities and cantonments only.
- (2) An expansion of the provisions of sections 3 and 5 of the Act so as to make them cover, not only white arsenic, but any poison specified in notifications or rules issued in accordance with those sections. (Clauses 3 and 4.)
- (3) The exclusion of the classes (b), (c) and (d) mentioned in section 10 (1) of the Act with the effect of reducing the number of exempted classes to one, *viz.*, medical and veterinary practitioners.
- (4) The addition of a clause [clause 9 (3) (b)] empowering Government to exclude individual members of the exempted class (*i.e.*, medical and veterinary practitioners) from the benefit of the exemption conferred by section 10 (1) of the Act.

The opportunity has also been taken to make some verbal alterations in the Act; and section 11, which is spent, has been omitted.

DRAFT :

The 12th February, 1919. }

W. H. VINCENT.

A. P. MUDDIMAN,

Secretary to the Government of India.

The Calcutta Gazette.

PUBLISHED BY AUTHORITY.

WEDNESDAY, MARCH 12, 1919.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART VI.

Bills introduced in the Indian Legislative Council, Reports of Select Committees presented to the Council, and Bills published under Rule 23.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Indian Legislative Council on the 26th February, 1919 :—

No. 7 of 1919.

A Bill further to amend the Indian Electricity Act, 1910.

WHEREAS it is expedient further to amend the Indian Electricity Act, 1910 ; It is hereby enacted 1910. as follows :—

1. This Act may be called the Indian Electricity (Amendment) Act, 191

2. For clause (b) of sub-section (2) of section 3 of the Indian Electricity Act, 1910, the following shall be substituted, 1910. Amendment of section 3, Act IX of 1910.

namely :—

"(b) Before granting a license under this Part,

the Local Government shall consult every local authority concerned, and where such local authority advances any objection to the grant of a license, the Local Government shall take such objection into consideration, and, if in its opinion it is insufficient, it shall record in writing and communicate to such authority its reasons for such opinion :

Provided that, if such objection is based on a rival claim for such a license, the Local Government shall give preference to the application of the local authority unless there exist special circumstances which, in its opinion, render such preference inexpedient."

STATEMENT OF OBJECTS AND REASONS.

UNDER the old Indian Electricity Act, III of 1903, there was an obligation imposed on the Local Government to consult every local authority, as a preliminary measure, on the merits of an application from any person for a license. Under the new Act IX of 1910, this provision has been abolished, and a local authority is reduced to the position of a private individual, who is at liberty to raise objections against the draft application within the prescribed period. Formerly, a local authority had two opportunities of stating its case to the Local Government; now there is only one opportunity for it to raise a protest. The provisions of the old Act embodied in section 4 (I) (a) are, therefore, proposed to be enacted.

Secondly, a proviso is added that when a local authority puts up a rival claim for a license, it shall receive the first consideration inasmuch as it is the proper body entrusted with the interests of the residents of the local area. A joint stock company formed on business consideration ought to have a secondary claim for a license. A local authority has a right to purchase the undertaking under section 7 of the Act, after a certain prescribed period. It follows, therefore, as a natural corollary that if the said authority is willing and able to finance the scheme from its ordinary revenue, or by means of a loan to be raised under the Local Authorities Loans Act, there is no reason why a company of share-holders or another person should have the business from the beginning.

BANDRA :
23rd December, 1918. }

V. J. PATEL,
Additional Member.

H. M. SMITH,
Offg. Secretary to the Government of India.

The Calcutta Gazette.

PUBLISHED BY AUTHORITY.

WEDNESDAY, APRIL 2, 1919.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART VI.

Bills introduced in the Indian Legislative Council, Reports of Select Committees presented to the Council, and Bills published under Rule 23.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

BILL NO. 1 OF 1919.

[AS AMENDED BY THE SELECT COMMITTEE.]

[Words printed in italics indicate the amendments suggested by the Select Committee.]

A Bill to provide for the amendment of the Indian Penal Code and the Code of Criminal Procedure, 1898.

WHEREAS it is expedient to amend the Indian Penal Code and the Code of Criminal Procedure, 1898, in order to deal more effectively with certain acts dangerous to the State; It is hereby enacted as follows:—

1. This Act may be called the Indian Criminal Law (Amendment) Act, 1919.

2. After section 196-A of the Code of Criminal Procedure, 1898, (hereinafter referred to as the said Code), the following section shall be inserted, namely:—

“196-B. In the case of any offence referred to in section 196 or 196-A, the District Magistrate or the Chief Presidency Magistrate may, notwithstanding anything contained in those sections or in any other part of this Code, order a preliminary inquiry by a police-officer not below the rank of an Inspector, in which case such police-officer shall have the powers referred to in section 155 (3).”

3. To section 343 of the said Code, the following Amendment of section 343, Act V of 1898, shall be added, namely:—

“Explanation.—A promise of protection to an accused person against criminal force or any promise properly and reasonably incidental to a promise of such protection, shall not be deemed to be the use of influence within the meaning of this section:

Provided that the presiding Judge or Magistrate has been informed of the terms of any such promise before the accused person is examined as a witness.

Where the presiding Judge or Magistrate has been so informed, he shall not disclose to the defence the terms of any such promise except to such extent as he may consider it necessary to do in the interests of justice.”

4. After section 510 of the said Code, the following section shall be inserted, namely:—

XLV of 1860. Evidence of previous conviction and association with previous convicts to be relevant for certain purposes at a trial for offences under Chapter VI, Act XLV of 1860.

"510-A. On the trial of an offence under Chapter VI of the Indian Penal Code, the following facts shall be relevant for the purpose of proving criminal intention, namely:—

(a) that the person accused has previously been convicted of an offence under that Chapter, and

(b) that such person has associated in such circumstances as afford reasonable grounds for believing that the association was for the purpose of committing an offence under that Chapter with any person who has been convicted of an offence under that Chapter:

Provided that such facts shall nevertheless not be proved under the provisions of this section, unless written notice of the intention to call evidence thereof has been served on the accused at least seven days before such evidence is tendered, together with reasonable particulars of the conviction or association intended to be proved."

5. After section 565 of the said Code, the following section shall be inserted, namely:—

XLV of 1860. Security on conviction of an offence under Chapter VI of Act XLV of 1860.

"565-A. (1) When any person is convicted of an offence punishable under Chapter VI of the Indian Penal Code, the Court may, if it thinks fit, at the time of passing sentence on such person, order him, on his release after the expiration of such sentence, to execute a bond with sureties undertaking, for such period not exceeding two years as may be

specified in the order, that he will not commit, or attempt or conspire to commit, or abet the commission of, any offence under the said Chapter.

(2) An order under sub-section (1) may also be made by an Appellate Court, or by the High Court when exercising its powers of revision.

(3) If the Court makes an order under sub-section (1), it shall further direct that, until the person who is the subject of the order furnishes the required security, such person shall notify to the Local Government or to such officer as the Local Government may by general or special order appoint in this behalf, his residence and any change of residence after release for the period for which security is required.

(4) Where any person is under an obligation to notify, in accordance with the provisions of sub-section (3), his residence and any change of residence after release, the Local Government may by order in writing direct that such person—

(a) shall not enter, reside or remain in any area specified in the order,

(b) shall reside or remain in any area in British India so specified, and

(c) shall abstain from addressing public meetings for the furtherance or discussion of any subject likely to cause disturbance of the public tranquillity.

(5) Any person refusing or neglecting to comply with any direction under sub-section (3) or any order under sub-section (4), shall be punishable as if he had committed an offence under section 176 of the Indian Penal Code.

XLV of 1860.

(6) If the conviction is set aside on appeal or otherwise, all orders made under the provisions of this section shall become void.

Explanation.—In this section the expression "public meeting" has the same meaning as is assigned to it by section 3 of the Prevention of Seditious Meetings Act, 1911.

X of 1911.

H. M. SMITH,

Offg. Secretary to the Government of India,